

CHAPTER 1

GENERAL PROVISIONS

ARTICLE 1. GENERAL PROVISIONS RELATING TO ALL PROFESSIONS AND OCCUPATIONS AFFECTED BY THIS SUBTITLE

45:1-1. Persons entitled to practice, etc. under former laws unaffected

Any person now entitled to practice any profession or to engage in any occupation, governed or regulated by the provisions of this title by virtue of any prior law, shall continue to be entitled to practice or engage in the same, notwithstanding the enactment of this title, and the validity of any license or other authorization to practice any such profession or to engage in any such occupation, heretofore issued to any person under any prior law, or of any proceeding pending to obtain such a license or authorization shall not be affected by the enactment of this title but all such persons shall in all other respects be subject to the provisions of this title.

ARTICLE 2. GENERAL PROVISIONS RELATING TO CERTAIN STATE BOARDS OF REGISTRATION AND EXAMINATION

45:1-2. Repealed by L.1971, c. 60, § 5, eff. March 25, 1971

45:1-2.1. Professional boards and commissions; application of act

The provisions of this act shall apply to the following boards and commissions: the New Jersey State Board of Accountancy, the New Jersey State Board of Architects, the New Jersey State Board of Cosmetology and Hairstyling, the Board of Examiners of Electrical Contractors, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Marriage and Family Therapy Examiners, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the State Board of Examiners of Master Plumbers, the New Jersey Real Estate Commission, the State Board of Shorthand Reporting, the State Board of Veterinary Medical Examiners, the Radiologic Technology Board of Examiners, the Acupuncture Examining Board, the State Board of Chiropractic Examiners, the State Board of Respiratory Care, the State Real Estate Appraiser Board, the State Board of Social Work Examiners, and the State Board of Public Movers and Warehousemen.

45:1-2.2. Appointment of members by governor; public members; member from department in executive branch; quorum; vote necessary for action

a. All members of the several professional boards and commissions shall be appointed by the Governor in the manner prescribed by law; except in appointing members other than those appointed pursuant to subsection b. or subsection c., the Governor shall give due consideration

to, but shall not be bound by, recommendations submitted by the appropriate professional organizations of this State.

b. In addition to the membership otherwise prescribed by law, the Governor shall appoint in the same manner as presently prescribed by law for the appointment of members, two additional members to represent the interests of the public, to be known as public members, to each of the following boards and commissions: The New Jersey State Board of Accountancy, the New Jersey State Board of Architects, the New Jersey State Board of Cosmetology and Hairstyling, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the New Jersey Real Estate Commission, the State Board of Shorthand Reporting, the State Board of Social Work Examiners, and the State Board of Veterinary Medical Examiners, and one additional public member to each of the following boards: the Board of Examiners of Electrical

Contractors, the State Board of Marriage and Family Therapy Examiners, the State Board of Examiners of Master Plumbers, and the State Real Estate Appraiser Board. Each public member shall be appointed for the term prescribed for the other members of the board or commission and until the appointment of his successor. Vacancies shall be filled for the unexpired term only. The Governor may remove any such public member after hearing, for misconduct, incompetency, neglect of duty or for any other sufficient cause.

No public member appointed pursuant to this section shall have any association or relationship with the profession or a member thereof regulated by the board of which he is a member, where such association or relationship would prevent such public member from representing the interest of the public. Such a relationship includes a relationship with members of one's immediate family; and such association includes membership in the profession regulated by the board. To receive services rendered in a customary client relationship will not preclude a prospective public member from appointment. This paragraph shall not apply to individuals who are public members of boards on the effective date of this act.

It shall be the responsibility of the Attorney General to insure that no person with the aforementioned association or relationship or any other questionable or potential conflict of interest shall be appointed to serve as a public member of any board regulated by this section.

Where a board is required to examine the academic and professional credentials of an applicant for licensure or to test such applicant orally, no public member appointed pursuant to this section shall participate in such examination process; provided, however, that public members shall be given notice of and may be present at all such examination processes and deliberations concerning the results thereof, and, provided further, that public members may participate in the development and establishment of the procedures and criteria for such examination processes.

c. The Governor shall designate a department in the Executive Branch of the State Government which is closely related to the profession or occupation regulated by each of the boards or commissions designated in section 1 of P.L.1971, c. 60 (C. 45:1-2.1) and shall appoint

the head of such department, or the holder of a designated office or position in such department, to serve without compensation at the pleasure of the Governor as a member of such board or commission.

d. A majority of the voting members of such boards or commissions shall constitute a quorum thereof and no action of any such board or commission shall be taken except upon the affirmative vote of a majority of the members of the entire board or commission.

45:1-2.3. Qualifications; rights and duties

Such additional members:

a. Need not meet the educational and professional requirements for membership on such boards or commissions as provided in the several statutes establishing such boards and commissions; and

b. Shall be voting members subject to the same rights, obligations and duties as other members of their respective boards or commissions.

45:1-2.4. Effect of act on term of member in office

Nothing in this act shall affect the right of a board or commission member in office on the effective date of this act to continue to serve for the term for which he was appointed.

45:1-2.5. Compensation and reimbursement of expenses of members; executive secretaries; compensation and terms of employment; offices and meeting places

With respect to the boards or commissions designated in section 1 of P.L.1971, c. 60 (C.45:1-2.1), except as otherwise provided in subsection d. of this section, and notwithstanding the provisions of any other law:

a. The officers and members shall be compensated on a per diem basis in the amount of \$25.00 or an amount to be determined by the Attorney General, with the approval of the State Treasurer, but not to exceed \$100.00 per diem or \$2,500.00 annually, and shall be reimbursed for actual expenses reasonably incurred in the performance of their official duties. Such moneys shall be paid according to rules and regulations promulgated by the Attorney General.

b. The executive secretary shall receive such salary as shall be determined by the appointing authority within the limits of available appropriations and shall serve at its pleasure. Any such executive secretary who holds a certificate, license or registration issued by the board or commission by which he is employed shall not during such employment be permitted to engage in any profession or occupation regulated by the board or commission.

c. The head of the department to which such board or commission is assigned shall maintain within any public building, whether owned or leased by the State, suitable quarters for the board's or commission's office and meeting place, provided that no such office or meeting place shall be within premises owned or occupied by an officer or member of such board or commission.

d. The compensation schedule for members of boards and commissions provided in subsection a. of this section shall not apply to the members of the New Jersey Real Estate Commission, who shall be compensated pursuant to R.S.45:15–6 or to members of the State Board of Medical Examiners who shall receive compensation of \$150 per diem.

45:1–2.6. Inapplicability of act to rights under civil service or any pension law or retirement system

Nothing in this act shall deprive any person of any tenure rights or of any right or protection provided him by Title 11 of the Revised Statutes, Civil Service, or any pension law or retirement system.

45:1–3. Expenses of boards paid from income; surplus paid to state treasurer; accounts

Each member of the boards mentioned in section 45:1–2 of this title shall be entitled to his actual traveling and other expenses incurred in the performance of his duties, which sum shall be paid from the license fees and other sources of income of such boards. Such boards shall also be entitled to expend from their income such sums as shall be necessary to defray all proper expenses incurred by them in the performance of their duties, including the compensation of any of their officers or agents whom they are authorized to compensate. Such boards, if authorized to collect an annual registration or license fee from persons licensed by them, may retain in their treasuries the fees so collected and use the same for the purpose of defraying the expenses of securing evidence against and prosecuting persons violating the provisions of the laws with the enforcement of which they are charged, or, in case the revenue of the boards from other sources shall be insufficient to pay the salary of their secretaries and their other expenses, such fees may be expended for such purposes. Such boards shall be entitled to retain, in addition to the above, at least one hundred dollars in their treasuries for the purpose of preparing and holding their examinations. On or before October thirty-first in each year such boards shall pay to the state treasurer all moneys remaining in their treasuries, except as above stated, which sum, when so paid, shall form a part of the state fund. Such boards shall keep accurate accounts of their receipts and expenditures, which accounts shall be subject to audit by the state comptroller.

45:1–3.1. Application of act

The provisions of this act shall apply to the following boards and commissions: the New Jersey State Board of Accountancy, the New Jersey State Board of Architects, the New Jersey State Board of Cosmetology and Hairstyling, the Board of Examiners of Electrical Contractors, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Marriage and Family Therapy Examiners, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the State Board of Examiners of Master Plumbers, the State Board of Shorthand Reporting, the State Board of Veterinary Medical Examiners, the Radiologic Technology Board of Examiners, the Acupuncture Examining Board, the State Board of Chiropractic Examiners, the State Board of Respiratory Care, the State Real Estate Appraiser Board, and the State Board of Social Work Examiners.

45:1–3.2. Charges for examinations, licensures and other services; establishment or change by rule; standards

Notwithstanding the provisions of Title 45 of the Revised Statutes or any other law to the contrary, any board or commission named in section 1 of this supplementary act may by rule establish, prescribe or change the charges for examinations, licensures and other services it performs, which rule shall first be approved by the head of the department to which such board or commission is assigned and shall be adopted in accordance with the provisions of the “Administrative Procedure Act,” P.L.1968, c. 410 (C. 52:14B–1).

Any board’s or commission’s charges established, prescribed or changed pursuant to this section shall be established, prescribed or changed to such extent as shall be necessary to defray all proper expenses incurred by the board or commission in the performance of its duties but such charges shall not be fixed at a level that will raise amounts in excess of the amount estimated to be so required.

45:1–3.3. Administrative fees charged by boards; modification

The Director of the Division of Consumer Affairs may by rule establish, prescribe, or modify administrative fees charged by boards in accordance with the “Administrative Procedure Act,” P.L.1968, c. 410 (C.52:14B–1 et seq.). For purposes of this section, “administrative fees” are charges assessed to licensees, registrants or holders of certificates, as the case may be, for board functions that are not unique to a particular board but are uniform throughout all boards. Administrative fees include, but are not limited to, fees for a duplicate or replacement license, certification or registration, late renewal fee, license reinstatement fee, and the fee for processing change of address.

45:1–4. Salary of secretary

The secretary of each of the boards mentioned in section 45:1–2 of this title, whether or not a member thereof, shall be entitled to receive such reasonable salary or compensation for his services as secretary as shall be fixed by such boards, which shall be paid by the boards from their receipts, unless an appropriation is made for the expenses of such boards, in which case the same shall be paid from such appropriation.

45:1–5, 45:1–6. Repealed by L.1979, c. 432, §_4, eff. Feb. 14, 1980

45:1–7. Professional or occupational licenses or certificates of registration; duration; expiration; exceptions; fees

Notwithstanding any of the provisions of Title 45 of the Revised Statutes or of any other law to the contrary, all professional or occupational licenses or certificates of registration, except such licenses or certificates issued to real estate brokers or salesmen pursuant to chapter 15 of Title 45, which prior to the effective date of this act were issued for periods not exceeding one year and were annually renewable, shall, on and after the effective date of this act, be issued for periods of two years and be biennially renewable, except that licenses and business permits issued to electrical contractors pursuant to chapter 5A of Title 45 shall be issued for periods of three years and be triennially renewable; provided, however, the boards or commissions in

charge of the issuance or renewal of such licenses or certificates may, in order to stagger the expiration dates thereof, provide that those first issued or renewed after the effective date of this act, shall expire and become void on a date fixed by the respective boards or commissions, not sooner than six months nor later than 29 months, after the date of issue.

The fees for the respective licenses and certificates of registration issued pursuant to this act for periods of less or greater than one year shall be in amounts proportionately less or greater than the fees established by law.

45:1-7.1. Application to holders of professional or occupational licenses

a. Notwithstanding any other act or regulation to the contrary, the provisions of this section and sections 6 and 7 of P.L.1999, c. 403 (C.45:1-7.2 et al.) shall apply to every holder of a professional or occupational license or certificate of registration or certification issued or renewed by a board specified in section 2 of P.L. 1978, c. 73 (C.45:1-15), who seeks renewal of that license or certificate.

b. Every holder of a professional or occupational license or certificate of registration or certification, issued or renewed by a board specified in section 2 of P.L.1978, c. 73 (C.45:1-15), who seeks renewal shall submit a renewal application and pay a renewal fee prior to the date of expiration of the license or certificate of registration or certification. If the holder does not renew the license or certificate prior to its expiration date, the holder may renew it within 30 days of its expiration date by submitting a renewal application and paying a renewal fee and a late fee. Any professional or occupational license or certificate of registration or certification not renewed within 30 days of its expiration date shall be suspended without a hearing.

c. Any individual who continues to practice with an expired license or certificate of registration or certification after 30 days following its expiration date shall be deemed to be engaged in unlicensed practice of the regulated profession or occupation, even if no notice of suspension has been provided to the individual.

d. A professional or occupational license or certificate of registration or certification suspended pursuant to this section may be reinstated within five years following its date of expiration upon submission of a renewal application and payment of an additional reinstatement fee. An applicant seeking reinstatement of a license or certificate suspended pursuant to this section more than five years past its expiration date shall successfully complete the examination required for initial licensure, registration or certification and submit a renewal application and payment of an additional reinstatement fee.

e. A board specified in section 2 of P.L. 1978, c. 73 (C. 45:1-15) shall send a notice of renewal to each of its holders of a professional or occupational license or certificate of registration or certification, as applicable, at least 60 days prior to the expiration of the license or certificate. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

45:1-7.2. Reinstatement

A board may reinstate the professional or occupational license or certificate of registration or certification of an applicant whose license or certificate has been suspended pursuant to section 5

of P.L.1999, c. 403 (C.45:1-7.1), provided that the applicant otherwise qualifies for licensure, registration or certification and submits the following upon application for reinstatement:

- a. Payment of all past delinquent renewal fees;
- b. Payment of a reinstatement fee;
- c. An affidavit of employment listing each job held during the period of suspended license, registration or certification which includes the names, addresses, and telephone numbers of each employer; and
- d. If applicable, satisfactory proof that the applicant has maintained proficiency by completing the continuing education hours or credits required for the renewal of an active license or certificate of registration or certification.

45:1-7.3. Renewal applications

- a. Renewal applications for all professional or occupational licenses or certificates of registration or certification shall provide the applicant with the option of either active or inactive renewal. A renewal applicant electing to renew as inactive shall not engage in professional or occupational practice within the State.
- b. An applicant who selects the inactive renewal option shall remain on inactive status for the entire renewal period unless, upon application to the board, the board permits the inactive applicant to return to active status provided such applicant presents satisfactory proof that he has maintained proficiency by completing the continuing education hours or credits required for the renewal of an active license, registration or certification, if applicable.

45:1-8. Contractors; application of § 45:1-9

The provisions of this act apply to the following classes of contractors:

- a. Tree experts, certified pursuant to P.L.1940, c. 100 (C. 13:1-28 et seq.);
- b. Home repair contractors, licensed pursuant to P.L.1960, c. 41 (C. 17:16C-62 et seq.);
- c. Electrical contractors, licensed pursuant to P.L.1962, c. 162 (C. 45:5A-1 et seq.);
- d. Master plumbers, licensed pursuant to P.L.1968, c. 362 (C. 45:14C-1 et seq.);
- e. Well drillers, licensed pursuant to P.L.1947, c. 377 (C. 58:4A-5 et seq.); and
- f. Any class of contractors who hereafter are licensed by the State.

45:1-9. Indication of license or certificate number on contracts, bids and advertisements

Any contractor licensed by the State shall indicate his license or certificate number on all contracts, subcontracts, bids and all forms of advertising as a contractor.

45:1-10. Disclosure of laboratory payments on bills to patients and third party payors

It shall be unlawful for any person licensed in the State of New Jersey to practice medicine or surgery, dentistry, osteopathy, podiatry or chiropractic to agree with any clinical, bio-analytical or hospital laboratory, wheresoever located, to make payments to such laboratory for individual tests, combination of tests, or test series for patients unless such person discloses on the bills to patients and third party payors the name and address of such laboratory and the net amount or amounts paid or to be paid to such laboratory for individual tests, combination of tests or test series.

45:1-10.1. Claims for third party payment; licensed health care professional ; responsibility for filing

Effective 12 months after the adoption of regulations establishing standard health care enrollment and claim forms by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c. 154 (C.17B:30-23), a health care professional licensed pursuant to Title 45 of the Revised Statutes is responsible for filing all claims for third party payment, including claims filed on behalf of the licensed professional's patient for any health care service provided by the licensed professional that is eligible for third party payment, except that at the patient's option, the patient may file the claim for third party payment.

a. In the case of a claim filed on behalf of the professional's patient, the professional shall file the claim within 60 days of the last date of service for a course of treatment, on the standard claim form adopted by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c. 154 (C.17B:30-23).

b. In the case of a claim in which the patient has assigned his benefits to the professional, the professional shall file the claim within 180 days of the last date of service for a course of treatment, on the standard claim form adopted by the Commissioner of Banking and Insurance pursuant to section 1 of P.L.1999, c. 154 (C.17B:30-23). If the professional does not file the claim within 180 days of the last date of service for a course of treatment, the third party payer shall reserve the right to deny payment of the claim, in accordance with regulations established by the Commissioner of Banking and Insurance, and the professional shall be prohibited from seeking any payment directly from the patient.

(1) In establishing the standards for denial of payment, the Commissioner of Banking and Insurance shall consider the good faith use of information provided by the patient to the professional with respect to the identity of the patient's third party payer, delays in filing a claim related to coordination of benefits between third party payers and any other factors the commissioner deems appropriate, and, accordingly, shall define specific instances where the sanctions permitted pursuant to this subsection shall not apply.

(2) A professional who fails to file a claim within 180 days and whose claim for payment has been denied by the third party payer in accordance with this subsection may, in the discretion of a judge of the Superior Court, be permitted to refile the claim if the third party payer has not been substantially prejudiced thereby. Application to the court for permission to refile a claim shall be made within 14 days of notification of denial of payment and shall be made upon motion based upon affidavits showing sufficient reasons for the failure to file the claim with the third party payer within 180 days.

c. The provisions of this section shall not apply to any claims filed pursuant to P.L.1972, c. 70 (C.39:6A-1 et seq.).

d. A health care professional who violates the provisions of subsection a. of this section may be subject to a civil penalty of \$250 for each violation plus \$50 for each day after the 60th day that the provider fails to submit a claim. The penalty shall be sued for and collected by the Division of Consumer Affairs in the Department of Law and Public Safety pursuant to “the penalty enforcement law,” N.J.S.2A:58-1 et seq.

45:1-11. Violations; penalty

Any person violating this act shall be guilty of a misdemeanor.

45:1-12. Podiatrist, optometrist or psychologist or professional service corporation; charge for completion of claim form for health insurance; fine; collection and enforcement

No podiatrist, optometrist or psychologist and no professional service corporation engaging in the practice of podiatry, optometry or psychology in this State shall charge a patient an extra fee for services rendered in completing a medical claim form in connection with a health insurance policy. Any person violating this act shall be subject to a fine of \$100.00 for each offense.

Such penalty shall be collected and enforced by summary proceedings pursuant to the Penalty Enforcement Law (N.J.S. 2A:58-1 et seq.). The Superior Court and municipal court shall have jurisdiction within its territory of such proceedings. Process shall be either in the nature of a summons or warrant and shall issue in the name of the State, upon the complaint of the State Board of Medical Examiners with respect to podiatrists, the New Jersey State Board of Optometry for optometrists or the State Board of Psychological Examiners for psychologists.

45:1-13. Repealed by L.1999, c. 403, §_12, eff. Jan. 18, 2000

45:1-14. Legislative findings and declarations; liberal construction of act

The Legislature finds and declares that effective implementation of consumer protection laws and the administration of laws pertaining to the professional and occupational boards located within the Division of Consumer Affairs require uniform investigative and enforcement powers and procedures and uniform standards for license revocation, suspension and other disciplinary proceedings by such boards. This act is deemed remedial, and the provisions hereof should be afforded a liberal construction.

45:1-15. Boards and professions or occupations regulated by or through such boards; application of act

The provisions of this act shall apply to the following boards and all professions or occupations regulated by, through or with the advice of those boards: the New Jersey State Board of Accountancy, the New Jersey State Board of Architects, the New Jersey State Board of Cosmetology and Hairstyling, the Board of Examiners of Electrical Contractors, the New Jersey State Board of Dentistry, the State Board of Mortuary Science of New Jersey, the State Board of Professional Engineers and Land Surveyors, the State Board of Marriage and Family Therapy Examiners, the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Optometrists, the State Board of Examiners of Ophthalmic Dispensers and

Ophthalmic Technicians, the Board of Pharmacy, the State Board of Professional Planners, the State Board of Psychological Examiners, the State Board of Examiners of Master Plumbers, the State Board of Shorthand Reporting, the State Board of Veterinary Medical Examiners, the Acupuncture Examining Board, the State Board of Chiropractic Examiners, the State Board of Respiratory Care, the State Real Estate Appraiser Board, the State Board of Social Work Examiners, the State Board of Physical Therapy, the Professional Counselor Examiners Committee, the New Jersey Cemetery Board, the Orthotics and Prosthetics Board of Examiners, the Occupational Therapy Advisory Council, the Electrologists Advisory Committee, the Alcohol and Drug Counselor Committee, the Fire Alarm, Burglar Alarm, and Locksmith Advisory Committee, the Home Inspection Advisory Committee, the Massage, Bodywork and Somatic Therapy Examining Committee, and the Audiology and Speech–Language Pathology Advisory Committee.

45:1–15.1. Rules and regulations

Consistent with their enabling acts, P.L.1978, c. 73 (C.45:1–14 et seq.) and the “Administrative Procedure Act,” P.L.1968, c. 410 (C.52:14B–1 et seq.), the boards and others set forth in section 2 of P.L.1978, c. 73 (C.45:1–15) are authorized to adopt rules and regulations to serve the public health, safety and welfare.

45:1–16. Definitions

As used within this act the following words or terms shall have the indicated definition unless the context clearly indicates otherwise.

“Board” means any professional or occupational licensing board designated in section 2 of this act.

“Director” means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

“Person” means any natural person or his legal representative, partnership, corporation, company, trust, business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestuis que trust thereof.

45:1–17. Powers of Attorney General to implement act and administer law enforcement activities of boards

In implementing the provisions of this act and administering the law enforcement activities of those professional and occupational boards located within the Division of Consumer Affairs, the Attorney General may:

a. After advice to the board or boards in question of his intent to proceed under this section, and the specific action he intends to take, and the failure of such board or boards to take steps in accordance with the advice of the Attorney General within 30 days of receipt of such advice, promulgate rules and regulations consistent with the provisions of this act and the Administrative Procedure Act, P.L.1968, c. 410 (C. 52:14B–1 et seq.) governing the procedure for administrative hearings before all boards within the Division of Consumer Affairs. Such rules and regulations shall govern administrative complaints, answers thereto, issuance of subpoenas, appointment of hearing examiners, adjournments, submission of proposed findings of fact and

conclusions of law, the filing of briefs, and such other procedural aspects of administrative hearings before the boards as the Attorney General may deem necessary; provided, however, nothing herein authorized shall be construed to require the Attorney General to promulgate rules regarding prehearing investigative procedures.

b. After advice to the board or boards in question of his intent to proceed under this section, and the specific action he intends to take, and the failure of such board or boards to take steps in accordance with the advice of the Attorney General within 30 days of receipt of such advice, promulgate substantive rules and regulations consistent with the provisions of any statute governing the activities of any licensing agency, board or committee located within the Division of Consumer Affairs, which shall be limited to disciplinary matters and arbitrary restrictions on initial licensure. In addition to promulgating such rules and regulations, the Attorney General may direct that any proposed or existing regulation be amended, abandoned or repealed. Prior to the final adoption of any regulation affecting the activities of any professional or occupational licensing agency, board or committee located within the division and prior to the issuance of any directive to amend, abandon or repeal any regulation, the Attorney General or his designee shall first consult with the agency, board or committee whose activities are affected regarding the proposed action.

c. After a full consideration of all relevant facts and the applicable law, may direct the initiation of any appropriate enforcement action by a professional or occupational licensing board or set aside, modify or amend, as may be necessary, any action or decision of a licensing agency, board or committee located within the Division of Consumer Affairs; provided, however, no such action shall be directed by the Attorney General in reviewing the action or decision of an agency, board or committee unless such action or decision is contrary to applicable law.

45:1-18. Investigative powers of boards, director or attorney general

Whenever it shall appear to any board, the director or the Attorney General that a person has engaged in, or is engaging in any act or practice declared unlawful by a statute or regulation administered by such board, or when the board, the director or the Attorney General shall deem it to be in the public interest to inquire whether any such violation may exist, the board or the director through the Attorney General, or the Attorney General acting independently, may exercise any of the following investigative powers:

a. Require any person to file on such form as may be prescribed, a statement or report in writing under oath, or otherwise, as to the facts and circumstances concerning the rendition of any service or conduct of any sale incidental to the discharge of any act or practice subject to an act or regulation administered by the board;

b. Examine under oath any person in connection with any act or practice subject to an act or regulation administered by the board;

c. Inspect any premises from which a licensed profession or occupation is conducted;

d. Examine any goods, ware or item used in the rendition of any professional or occupational service;

e. Examine any record, book, document, account or paper maintained by or for any professional or occupational licensee in the regular course of practicing such profession or engaging in such occupation;

f. For the purpose of preserving evidence of an unlawful act or practice, pursuant to an order of the Superior Court, impound any record, book, document, account, paper, goods, ware, or item used or maintained by or for any board licensee in the regular course of practicing such profession or engaging in such occupation. In such cases as may be necessary, the Superior Court may, on application of the Attorney General, issue an order sealing items or material subject to this subsection.

In order to accomplish the objectives of this act or any act or regulation administered by a board, the Attorney General may hold such investigative hearings as may be necessary and may issue subpoenas to compel the attendance of any person or the production of books, records or papers at any such hearing or inquiry.

45:1–19. Failure or refusal to file statement or report, refusal of access to premises or failure to obey subpoena; penalty

If any person shall fail or refuse to file any statement or report or refuse access to premises from which a licensed profession or occupation is conducted in any lawfully conducted investigative matter or fail to obey a subpoena issued pursuant to this act, the Attorney General may apply to the Superior Court and obtain an order:

a. Adjudging such person in contempt of court; or

b. Granting such other relief as may be required; or

c. Suspending the license of any such person unless and until compliance with the subpoena or investigative demand is effected.

45:1–20. Compelling testimony or production of book, paper or document; immunity from prosecution

If any person shall refuse to testify or produce any book, paper, or other document in any proceeding under this act for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him, convict him of a crime, or subject him to a penalty or forfeiture, and shall, notwithstanding, be directed to testify or to produce such book, paper, or document by the Attorney General, he shall comply with such direction.

A person who is entitled by law to, and does assert such privilege, and who complies with such direction of the Attorney General shall not thereafter be prosecuted or subjected to any penalty or forfeiture in any criminal proceeding which arises out of and relates to the subject matter of the proceeding. No person so testifying shall be exempt from prosecution or punishment for perjury or false swearing committed by him in giving such testimony or from any civil or administrative action arising from such testimony.

45:1–21. Grounds for refusal to admit to examination or denial, suspension or revocation of any certificate, registration or license; definitions

A board may refuse to admit a person to an examination or may refuse to issue or may suspend or revoke any certificate, registration or license issued by the board upon proof that the applicant or holder of such certificate, registration or license:

- a. Has obtained a certificate, registration, license or authorization to sit for an examination, as the case may be, through fraud, deception, or misrepresentation;
- b. Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;
- c. Has engaged in gross negligence, gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, safety or property of any person;
- d. Has engaged in repeated acts of negligence, malpractice or incompetence;
- e. Has engaged in professional or occupational misconduct as may be determined by the board;
- f. Has been convicted of, or engaged in acts constituting, any crime or offense involving moral turpitude or relating adversely to the activity regulated by the board. For the purpose of this subsection a judgment of conviction or a plea of guilty, non vult, nolo contendere or any other such disposition of alleged criminal activity shall be deemed a conviction;
- g. Has had his authority to engage in the activity regulated by the board revoked or suspended by any other state, agency or authority for reasons consistent with this section;
- h. Has violated or failed to comply with the provisions of any act or regulation administered by the board;
- i. Is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare;
- j. Has repeatedly failed to submit completed applications, or parts of, or documentation submitted in conjunction with, such applications, required to be filed with the Department of Environmental Protection;
- k. Has violated any provision of P.L.1983, c. 320 (C.17:33A–1 et seq.) or any insurance fraud prevention law or act of another jurisdiction or has been adjudicated, in civil or administrative proceedings, of a violation of P.L.1983, c. 320 (C.17:33A–1 et seq.) or has been subject to a final order, entered in civil or administrative proceedings, that imposed civil penalties under that act against the applicant or holder;
- l. Is presently engaged in drug or alcohol use that is likely to impair the ability to practice the profession or occupation with reasonable skill and safety. For purposes of this subsection, the term "presently" means at this time or any time within the previous 365 days;

m. Has prescribed or dispensed controlled dangerous substances indiscriminately or without good cause, or where the applicant or holder knew or should have known that the substances were to be used for unauthorized consumption or distribution;

n. Has permitted an unlicensed person or entity to perform an act for which a license or certificate of registration or certification is required by the board, or aided and abetted an unlicensed person or entity in performing such an act;

o. Advertised fraudulently in any manner.

For purposes of this act:

“Completed application” means the submission of all of the information designated on the checklist, adopted pursuant to section 1 of P.L.1991, c. 421 (C.13:1D–101), for the class or category of permit for which application is made.

“Permit” has the same meaning as defined in section 1 of P.L.1991, c. 421 (C.13:1D–101).

45:1–21.1. Annual summary of compliance information and attendance at continuing education seminars; costs; information deemed public records

a. A board obtaining information from the Department of Environmental Protection pursuant to section 1 of P.L.1991, c. 418 (C. 13:1D–110) on the compliance of a member of a regulated profession with the requirements for completed applications of the department, shall annually develop a detailed written summary of the information gathered by the department pursuant to P.L.1991, c. 418 (C. 13:1D–110) regarding compliance with the department’s requirements for completed applications and attendance records for continuing education seminars required to be filed with the department pursuant to section 2 of P.L.1991, c. 419 (C. 13:1D–117).

b. Any reasonable costs incurred in preparation of the report required pursuant to this section may be included in the charges authorized pursuant to P.L.1974, c. 46 (C. 45:1–3.2).

c. Information required to be compiled by a board pursuant to this section, shall be deemed to be public records subject to the requirements of P.L.1963, c. 73 (C. 47:1A–1 et seq.).

45:1–21.2. Suspension of certain licenses; hearing

The director or a board shall suspend, as appropriate, after a hearing, the license, registration or certification of any person who has been certified by a lender or guarantor and reported to the director or the board, as the case may be, for nonpayment or default of a State or federal direct or guaranteed educational loan. The license, registration or certification shall not be reissued until the person provides the director or board with a written release issued by the lender or guarantor stating that the person has cured the default or is making payments on the loan in accordance with a repayment agreement approved by the lender or guarantor. If the person has continued to meet all other requirements for licensure, registration or certification during the suspension, reinstatement shall be automatic upon receipt of the notice and payment of any reinstatement fee the director or the board may impose.

45:1–22. Additional or alternative penalties to revocation, suspension or refusal to renew; temporary order suspending or limiting license; subpena

In addition or as an alternative, as the case may be, to revoking, suspending or refusing to renew any license, registration or certificate issued by it, a board may, after affording an opportunity to be heard:

- a. Issue a letter of warning, reprimand, or censure with regard to any act, conduct or practice which in the judgment of the board upon consideration of all relevant facts and circumstances does not warrant the initiation of formal action;
- b. Assess civil penalties in accordance with this act;
- c. Order that any person violating any provision of an act or regulation administered by such board to cease and desist from future violations thereof or to take such affirmative corrective action as may be necessary with regard to any act or practice found unlawful by the board;
- d. Order any person found to have violated any provision of an act or regulation administered by such board to restore to any person aggrieved by an unlawful act or practice, any moneys or property, real or personal, acquired by means of such act or practice; provided, however, no board shall order restoration in a dollar amount greater than those moneys received by a licensee or his agent or any other person violating the act or regulation administered by the board;
- e. Order any person, as a condition for continued, reinstated or renewed licensure, to secure medical or such other professional treatment as may be necessary to properly discharge licensee functions.

A board may, upon a duly verified application of the Attorney General that either provides proof of a conviction of a court of competent jurisdiction for a crime or offense involving moral turpitude or relating adversely to the regulated profession or occupation, or alleges an act or practice violating any provision of an act or regulation administered by such board, enter a temporary order suspending or limiting any license issued by the board pending plenary hearing on an administrative complaint; provided, however, no such temporary order shall be entered unless the application made to the board palpably demonstrates a clear and imminent danger to the public health, safety and welfare and notice of such application is given to the licensee affected by such order.

In any administrative proceeding commenced on a complaint alleging a violation of an act or regulation administered by a board, such board may issue subpoenas to compel the attendance of witnesses or the production of books, records, or documents at the hearing on the complaint.

45:1–23. Summary proceeding in Superior Court; injunction; orders necessary to prevent unlawful practice or remedy past unlawful activity

Whenever it shall appear to a board, the director or the Attorney General that a violation of any act, including the unlicensed practice of the regulated profession or occupation, or regulation administered by such board has occurred, is occurring, or will occur, the Attorney General, in addition to any other proceeding authorized by law, may seek and obtain in a summary proceeding in the Superior Court an injunction prohibiting such act or practice. In any such proceeding the court may assess a civil penalty in accordance with the provisions of this act, order restoration to any person in interest of any moneys or property, real or personal, acquired by means of an unlawful act or practice and may enter such orders as may be necessary to prevent the performance of an unlawful practice in the future and to fully remedy any past

unlawful activity. In any action brought pursuant to this section, the court shall not suspend or revoke any license issued by a board.

45:1-24. Failure to comply with order of board directing payment of penalties or restoration of moneys or property; enforcement

Upon the failure of any person to comply within 10 days after service of any order of a board directing payment of penalties or restoration of moneys or property, the Attorney General or the secretary of such board may issue a certificate to the Clerk of the Superior Court that such person is indebted to the State for the payment of such penalty and the moneys or property ordered restored. A copy of such certificate shall be served upon the person against whom the order was entered. Thereupon the clerk shall immediately enter upon his record of docketed judgments the name of the person so indebted and of the State, a designation of the statute under which the penalty is imposed, the amount of the penalty imposed, and amount of moneys ordered restored, a listing of property ordered restored, and the date of the certification. Such entry shall have the same force and effect as the entry of a docketed judgment in the Superior Court, and the Attorney General shall have all rights and remedies of a judgment creditor in addition to exercising any other available remedies. Such entry, however, shall be without prejudice to the right of appeal to the Appellate Division of the Superior Court from the board's order.

An action to enforce the provisions of any order entered by a board or to collect any penalty levied thereby may be brought in any municipal court or the Superior Court in summary manner pursuant to the Penalty Enforcement Act, (N.J.S. 2A:58-1 et seq.) and the rules of court governing the collection of civil penalties. Process in such action shall be by summons or warrant, and in the event that the defendant fails to answer such action, the court shall issue a warrant for the defendant's arrest for the purpose of bringing such person before the court to satisfy any order entered.

45:1-25. Violations; civil penalty; action to collect or enforce

Any person who engages in any conduct in violation of any provision of an act or regulation administered by a board shall, in addition to any other sanctions provided herein, be liable to a civil penalty of not more than \$10,000 for the first violation and not more than \$20,000 for the second and each subsequent violation. For the purpose of construing this section, each act in violation of any provision of an act or regulation administered by a board shall constitute a separate violation and shall be deemed a second or subsequent violation under the following circumstances:

(1) an administrative or court order has been entered in a prior, separate and independent proceeding;

(2) the person is found within a single proceeding to have committed more than one violation of any provision of an act or regulation administered by a board; or

(3) the person is found within a single proceeding to have committed separate violations of any provision of more than one act or regulation administered by a board.

b. In lieu of an administrative proceeding or an action in the Superior Court, the Attorney General may bring an action in the name of any board for the collection or enforcement of civil penalties for the violation of any provision of an act or regulation administered by such board.

Such action may be brought in summary manner pursuant to “The Penalty Enforcement Law of 1999” (N.J.S.2A:58–1 et seq.) and the rules of court governing actions for the collection of civil penalties in the municipal court where the offense occurred. Process in such action may be by summons or warrant and in the event that the defendant in such action fails to answer such action, the court shall, upon finding an unlawful act or practice to have been committed by the defendant, issue a warrant for the defendant’s arrest in order to bring such person before the court to satisfy the civil penalties imposed. In any action commenced pursuant to this section, the court may order restored to any person in interest any moneys or property acquired by means of an unlawful act or practice.

c. Any action alleging the unlicensed practice of a profession or occupation shall be brought pursuant to this section or, where injunctive relief is sought, by an action commenced in the Superior Court. In any action brought pursuant to this act, a board or the court may order the payment of costs for the use of the State, including, but not limited to, costs of investigation, expert witness fees and costs, attorney fees and costs, and transcript costs.

45:1–26. Repeal of inconsistent acts and parts of acts

All acts and parts of acts inconsistent with this act are hereby superseded and repealed.

45:1–27. Severability

If any provision of this law or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the law which can be given effect without the invalid provision or application, and to this end the provisions of this law are severable.

CHAPTER 3

ARCHITECTS

45:3–1. New Jersey state board of architects; membership; appointments; terms; vacancies; compensation

The New Jersey State Board of Architects, hereinafter in this chapter designated as the “board,” created and established by an act entitled “An act to regulate the practice of architecture,” approved March twenty-fourth, one thousand nine hundred and two (P.L.1902, c. 29, p. 54), as amended and supplemented, is continued. The board shall consist of six members, five of whom shall be architects residing in this State and shall have been engaged in the practice of their profession for at least ten years and one of whom shall be a certified landscape architect in good standing and engaged in the practice of landscape architecture for at least five years pursuant to sections 4 through 18 of P.L.1983, c. 337 (C. 45:3A–1 et seq.) except as to the initial appointment to the board, who shall become certified as soon as practicable after his appointment. On the effective date of this act the terms of office of the members of the board shall cease and terminate, and they shall thereafter continue in office as hold-over members until such time as the Governor shall designate and appoint them to serve for new terms of office as hereinafter provided. Within a period of 30 days after the effective date of this act, or as soon thereafter as circumstances shall permit, the Governor shall designate and appoint said members to serve and hold office for the following terms: one member for a term of one year from the

date of such designation and appointment, one member for a term of two years from said date, one member for a term of three years from said date, one member for a term of four years from said date, and one member for a term of five years from said date. The initial landscape architect appointment shall be for a term of two years beginning July 1 next following the appointment. Should any vacancy exist on the board at the time of appointment and designation of the members to the new terms herein provided for, the Governor shall appoint a new member to fill such vacancy, subject to the provisions of section 2 of P.L.1971, c. 60 (C. 45:1-2.2), such member to serve for any one of the several terms herein fixed as the Governor in his discretion shall designate. Thereafter, upon the expiration of the term of office of any member, his successor shall be appointed by the Governor, subject to the provisions of section 2 of P.L.1971, c. 60 (C. 45:1-2.2), for a term of five years. Each member shall hold his office until his successor has qualified. Any vacancy in the membership of the board shall be filled for the unexpired term in the manner provided for an original appointment. Except as hereinafter provided, the members of the board shall serve without compensation.

45:3-1.1. Definitions

For the purposes of this act:

a. "Aesthetic principles" means the concepts of order, balance, proportion, scale, rhythm, color, texture, mass and form as used in the design process.

b. "Architect" means an individual who through education, training, and experience is skilled in the art and science of building design and has been licensed by the New Jersey State Board of Architects to practice architecture in the State of New Jersey.

c. "Architecture" means the art and science of building design and particularly the design of any structure for human use or habitation. Architecture, further, is the art of applying human values and aesthetic principles to the science and technology of building methods, materials and engineering systems, required to comprise a total building project with a coherent and comprehensive unity of structure and site.

d. "Board" means the New Jersey State Board of Architects.

e. "Certificate of authorization" means a certificate issued by the board pursuant to this amendatory and supplementary act.

f. "Closely allied professional" means and is limited to licensed architects, professional engineers, land surveyors, professional planners, and persons that provide space planning services, interior design services, or the substantial equivalent thereof.

g. "Engineering systems" means those systems necessary for the proper function of a building and the surrounding site, the proper design of which requires engineering knowledge acquired through engineering or architectural education, training, or experience. These systems include but are not limited to structural, electrical, heating, lighting, acoustical, ventilation, air conditioning, grading, plumbing, and drainage. Drainage facilities for sites of ten acres or more or involving stormwater detention facilities or traversed by a water course shall only be designed by a professional engineer.

h. “Joint committee” means the Joint Committee of Architects and Engineers established pursuant to the “Building Design Services Act,” P.L.1989, c. 277 (C.45:4B–1 et seq.).

i. “Human use or habitation” means the activities of living, including, but not limited to fulfilling domestic, religious, educational, recreational, employment, assembly, health care, institutional, memorial, financial, commercial, industrial and governmental needs. j. “Human values” means the social, cultural, historical, economic and environmental influences that have an impact on the quality of life.

k. “Practice of architecture” or “architectural services” means the rendering of services in connection with the design, construction, enlargement, or alteration of a building or a group of buildings and the space within or surrounding those buildings, which have as their principal purpose human use or habitation. These services include site planning, providing preliminary studies, architectural designs, drawings, specifications, other technical documentation, and administration of construction for the purpose of determining compliance with drawings and specifications.

l. “Responsible charge” means the rendering of regular and effective supervision by a competent licensed architect to those individuals performing services which directly and materially affect the quality and competence of architectural services rendered by the licensee. A licensee engaged in any of the following acts or practices shall be deemed not to have rendered regular and effective supervision:

(1) The regular and continuous absence from principal office premises from which professional services are rendered, except for performance of field work or presence in a field office maintained exclusively for a specific project;

(2) The failure to personally inspect or review the work of subordinates where necessary and appropriate;

(3) The rendering of a limited, cursory or perfunctory review of plans for a building or structure in lieu of an appropriate detailed review;

(4) The failure to personally be available on a reasonable basis or with adequate advance notice for consultation and inspection where circumstances require personal availability.

m. “Interior design services” means rendering or offering to render services, for a fee or other valuable consideration, in the preparation and administration of interior design documents, including, but not limited to, drawings, schedules and specifications which pertain to the design intent and planning of interior spaces, including furnishings, layouts, non-load bearing partitions, fixtures, cabinetry, lighting location and type, outlet location and type, switch location and type, finishes, materials and interior construction not materially related to or materially affecting the building systems, in accordance with applicable laws, codes, regulations and standards.

45:3–2. Organization of board; oath; officers; special meetings; quorum

The members of the board shall, before entering upon the discharge of their duties, and within thirty days after their appointment, take and subscribe an oath, for the faithful performance of their duties, before an officer authorized to administer oaths in this State, and file the same with the Secretary of State. They shall annually elect a president and vice-president from their

number, and, subject to the provisions of Chapter 439 of the Laws of 1948, a secretary who need not be a member of the board and who shall also be director, each of whom shall hold office for one year and until his successor has qualified. The secretary shall receive compensation for his services as provided by section 45:1–4 of this Title. Special meetings of the board shall be called by the secretary upon the request of any two members by giving at least five days' written notice of the meeting to each member. Three members of the board shall constitute a quorum.

45:3–3. Rules and regulations; seal; records; compensation and expenses of board members

The board may adopt all necessary rules, regulations and by-laws to govern its proceedings, not inconsistent with the laws of this State or of the United States; and may adopt a seal, of which the secretary-director shall have the care and custody. The secretary-director shall keep a record of all proceedings of the board, which shall be open to public examination. The board may also adopt rules and regulations for the examination and registration of applicants desiring to practice architecture in accordance with the provisions of this chapter, and for the affixing to and endorsement on architects' plans the seal, name, license number and title of the architect and may amend, modify and repeal such regulations from time to time. Each member of the board shall receive as compensation twenty-five dollars (\$25.00) for each day that he attends a session of the board and shall also be paid his actual traveling and necessary expenses in and about the business of the board, but in no case shall the expenses of the board exceed the receipts thereof.

45:3–4. Filing names and addresses of officers

The board shall, immediately upon the election of each officer thereof, file with the Secretary of State the name and post-office address of each such officers.

45:3–5. License required; education, experience, and examination requirements

A person shall, before entering the practice of architecture in this State, first apply to the board for a license. The board shall grant a license upon satisfactory evidence that the applicant has fulfilled the requirements of education, experience and examination specified in this section or in section 1 of P.L.1952, c. 131 (C. 45:3–5.1). Provision shall be made by the board for holding examinations at least once a year, if there are applicants for registration to practice said profession. Applicants for examination shall, at least 60 days before an examination, present to the board a written application on forms provided by the board, together with satisfactory proof that the applicant is 18 or more years of age, is of good moral character.

The applicant shall be regarded as having fulfilled the education requirement if he has a baccalaureate or master's degree in architecture from a university, college, or technical school which has an architectural program accredited by the National Architecture Accrediting Board or if he has completed education which the board deems to be equivalent to an accredited full course in architecture. Any applicant, who on or before July 1, 1987, fulfills the education requirement or the experience or experience and partial schooling equivalent requirements in effect immediately prior to the effective date of this 1987 amendatory act, shall also be regarded as having fulfilled the education requirement.

The applicant shall be regarded as having fulfilled the experience requirement if he demonstrates three years or more of experience related to architecture, of a type and within a period of time specified by regulation of the board.

No individual shall be permitted to take the examination while a complaint is pending in which the individual is charged with the illegal practice of architecture under R.S. 45:3-10 or while penalties imposed pursuant to section 12 of P.L.1978, c. 73 (C. 45:1-25) remain unsatisfied.

All examinations of applicants for certificates to practice architecture shall be of a form and content relative to the knowledge and current practice of the profession of architecture, as established by regulation of the board. The board may make use of all or a portion of the uniform architects' examination and the advisory grading service of the National Council of Architectural Registration Boards. The applicants shall pay to the board fees established by regulation for examination, certification, registration or other services performed by the board.

45:3-5.1. Licensed professional engineers may be licensed as architects; examination

Any professional engineer who is duly licensed to practice professional engineering in this State, provided that he has a college degree in an engineering program or curriculum of four years or more, shall be entitled to be licensed to engage in the practice of architecture in this State, upon application therefor to the board and upon satisfactorily passing the parts pertaining to site and building design of the examination regularly conducted by the board pursuant to R.S. 45:3-5 for applicants for registration to practice architecture.

45:3-6. Certificate; issuance after examination; persons having certificates from other states; recording seal; use of seal without authority

If the examination of an applicant for registration shall be satisfactory to the majority of the board, a certificate shall be issued to said applicant, upon the payment of an additional fee of \$25.00 to the board, authorizing him to practice the profession of architecture. Any person who shall present to the board a certificate from a similarly constituted board of another State, with such other satisfactory evidence of competency as the board in its discretion may require, where the qualifications required in such State are substantially equal to those required in this State, may be granted such certificate upon the payment to the board of a fee of \$50.00; provided, however, that such individual shall not be entitled to consideration of his application while a complaint is pending in which the individual is charged with the illegal practice of architecture under section 45:3-10 of this act or while penalties imposed pursuant to section 45:3-11 of this act remain unsatisfied. Each person licensed shall cause such license to be recorded in the office of the Secretary of State. At the time of the issuance of the certificate, the board shall furnish to the applicant a seal to be used by him in the conduct of his practice, to be impressed upon plans and other papers prepared by him when necessary; where a seal has been lost by a duly licensed architect, a new one shall be issued by the board upon application therefor, accompanied by the prescribed fee, and proof to the satisfaction of the board of such loss or other good cause. The board shall require the payment of a reasonable fee for the issuance of the seal to cover the cost of the same. Any person who shall use a seal which has not been furnished to him by the board, or who shall impress same upon plans or other papers, or who shall come into possession of a seal not issued to him and fail to turn same over to the board after a demand is made therefor, or who, after the forfeiture, revocation or suspension of his license, shall fail to return a seal to the

board shall be guilty of a violation of this chapter and upon conviction thereof shall pay a fine of \$100.00, or upon failure to forthwith pay said fine, shall be imprisoned in the county jail for a period not exceeding 30 days.

45:3-6.1. Repealed by L.1979, c. 432, §_4, eff. Feb. 14, 1980

45:3-7. Annual registration fee; forfeiture of certificate for nonpayment

Each architect licensee shall, during the month of July in each year, pay to the board a fee of \$15.00 or forfeit his certificate. Notice of the failure to pay such annual registration fee shall be given to any person so failing, which notice shall state that, upon the continued failure to pay such fee, the certificate issued to such person will be declared forfeited by the board at the time and place stated therein unless such fee is sooner paid. The board may make rules and regulations regarding the reissue of a certificate to any person whose certificate has been forfeited under this section, and fixing the fee to be paid for the reissue of said certificate.

45:3-8, 45:3-9. Repealed by L.1979, c. 432, §_1, 6, eff. Feb. 14, 1980

45:3-10. Prohibition of practice of architecture or use of title “architect” without license; exceptions

No person except an architect licensed in the State of New Jersey shall engage in the practice of architecture, use the title “architect” or its substantial equivalent or otherwise represent to the public that that person is licensed to practice architecture in this State.

Any single act or transaction shall constitute engaging in business or in the practice of architecture within the meaning of this chapter.

Nothing herein contained shall prohibit students or employees of licensed architects from acting upon the authority of such licensed architects, whose certificates have not been revoked, suspended or forfeited, where said students or employees are under the immediate supervision of such licensed architect, or to prohibit any person in this State from acting as designer of a dwelling and all appurtenances thereto that are to be constructed by himself solely as a residence for himself or for a member or members of his immediate family.

Nothing herein contained shall prohibit: any builder registered pursuant to “The New Home Warranty and Builders’ Registration Act,” P.L.1977, c. 467 (C. 46:3B-1 et seq.), from advertising, offering or performing design services in the construction of one or two family detached homes; or any home improvement contractor from advertising, offering or performing design services to the owner occupants of one or two family detached dwellings in connection with demolitions, enlargements or alterations made thereto, until a time that it becomes necessary for either such a registered builder or a home improvement contractor to make application for a construction permit pursuant to the “State Uniform Construction Code Act,” P.L.1975, c. 217 (C. 52:27D-119 et seq.).

No licensed architect shall permit his name to be used in connection with the name of any other person not licensed to practice architecture in this State in any advertisement, sign, card or device in such a manner as to indicate that such other person is a licensed architect.

Nothing herein contained shall prohibit professional engineers from designing buildings consistent with section 7 of the “Building Design Services Act,” P.L.1989, c. 277 (C. 45:4B–7).

Nothing herein contained shall prohibit professional engineers from offering building design services consistent with section 7 or 8 of the “Building Design Services Act,” P.L.1989, c. 277 (C. 45:4B–7 or 45:4B–8).

45:3–11 to 45:3–12.1. Repealed by L.1979, c. 432, §_1, eff. Feb. 14, 1980

45:3–13 to 45:3–15. Repealed by L.1953, c. 43, §§_5 to 7, eff. March 19, 1953

45:3–16. Account and report of receipts and expenditures

An itemized account of all receipts and expenditures of the board shall be kept by its secretary, and a detailed report thereof each year, ending with April thirtieth, duly verified by affidavit of the secretary, shall be filed with the state comptroller within sixty days thereafter.

45:3–17. Business associations authorized to render architectural services

a. Architectural services shall not be rendered or offered through any business associations other than a sole proprietorship of a licensed architect, a partnership of licensed architects, a partnership of closely allied professionals including at least one licensed architect, a professional service corporation established pursuant to the “Professional Service Corporation Act,” P.L.1969, c. 232 (C.14A:17–1 et seq.), a corporation authorized pursuant to section 5 of P.L.1989, c. 275 (C.45:3–18) or as prescribed in the “Building Design Services Act,” P.L.1989, c. 277 (C.45:4B–1 et seq.).

b. Nothing in this section shall prohibit a licensed architect from rendering architectural services as an agent, director, member, officer, shareholder, associate, employee or partner of a person whose principal business is space planning services, interior design services or the substantial equivalent thereof; provided that the architect, at all times, exercises independent professional judgment in the rendering of architectural services, and adheres to the standards set forth in section 1 of P.L. 1989, c. 275 (C.45:3–1.1).

45:3–18. Certificate of authorization for certain corporations to offer architectural services; signature and seal on final documents

The board shall issue a certificate of authorization to certain corporations and those corporations shall be authorized to offer architectural services as follows:

a. A corporation may offer to provide architectural services in this State if: (1) two-thirds (2/3) of the directors are licensed architects; and, (2) two-thirds (2/3) of the shares of stock are owned by licensed architects. This subsection shall not apply to a professional service corporation established pursuant to the “Professional Service Corporation Act,” P.L.1969, c. 232 (C. 14A:17–1 et seq.).

b. A corporation may offer to provide architectural and closely allied professional services in this State if: (1) at least two-thirds (2/3) of the directors are licensed architects and closely allied professionals; (2) at least one director is a licensed architect; (3) two-thirds (2/3) of the shares are owned by licensed architects or closely allied professionals; and, (4) a minimum of 20% of

the shares are owned by licensed architects. This subsection shall not apply to a professional service corporation established pursuant to the “Professional Service Corporation Act,” P.L.1969, c. 232 (C. 14A:17–1 et seq.).

The certificate of authorization shall designate a New Jersey licensee or licensees who are in responsible charge of the architectural activities and decisions of the corporation. All final drawings, papers or documents involving the practice of architecture, when issued by the corporation or filed for public record, shall be signed and sealed by the New Jersey licensee who is in responsible charge of the work.

45:3–19. Application; contents; inclusion of information on renewal; report of changes

Prior to the issuance of a certificate of authorization, a corporation shall file with the board an application, on forms designated by the board, listing, where applicable, the name and address of the corporation and its satellite offices, and the name, address and signature of all officers, corporate board members, directors, principals and any licensees who shall be in responsible charge of the practice of architecture through the corporation, together with such other information as may be required by the board to ensure compliance with its regulations. The same information shall accompany the biennial renewal fee. A change in any of this information shall be reported to the board within 30 days after the effective date of that change.

45:3–20. Records of licensee

A licensee shall maintain such records as are reasonably necessary to establish that the licensee exercised regular and effective supervision of professional services of which such licensee was in responsible charge.

45:3–21. Authority of board to review professional conduct of corporations; biennial renewal fee; suspension, revocation or refusal to renew certificate; rules and regulations

The board shall have the authority to review the professional conduct of any corporation authorized to offer architectural services under the provisions of P.L.1989, c. 275 (C. 45:3–1.1 et al.). In order to implement those provisions, the board may:

a. Establish by regulations adopted pursuant to the “Administrative Procedure Act,” P.L.1968, c. 410 (C. 52:14B–1 et seq.) a biennial renewal fee for the certificate of authorization.

b. Suspend, revoke, or refuse to renew the certificate of authorization of any corporation whose agent, employees, directors or officers violate, or cause to be violated, any of the provisions of this amendatory and supplementary act or chapter 8 of Title 45 of the Revised Statutes, in conformance with the provisions of P.L.1978, c. 73 (C. 45:1–14 et seq.).

c. Adopt such rules and regulations as required to carry out the provisions of this amendatory and supplementary act pursuant to the “Administrative Procedure Act,” P.L.1968, c. 410 (C. 52:14B–1 et seq.).

45:3–22. Responsibility of corporation for conduct or acts of its agents, employees or officers

No corporation shall be relieved of responsibility for the conduct or acts of its agents, employees or officers by reason of compliance with the provisions of this amendatory and supplementary act.

45:3-23. Powers of board under Building Design Services Act

Pursuant to the provisions of the “Building Design Services Act,” P.L.1989, c. 275 (C. 45:4B-1 et seq.) the board:

- a. May refer any complaint, question or controversy, involving the application of that act to the joint committee.
- b. Shall take no disciplinary action against any professional engineer alleged to have engaged in a violation of that act or the unlicensed practice of architecture.
- c. Shall refer a request for a declaratory ruling to the joint committee.
- d. Shall provide any and all documents in its possession regarding any matter referred to the joint committee.
- e. Shall, where necessary and appropriate, exercise such investigation or enforcement power conferred by law to aid and assist the joint committee in its functions.
- f. Shall, consistent with that act, discipline any licensed architect who, or business association authorized to offer architectural services which violates that act. Such a violation shall be deemed professional misconduct. Any violation of that act by an unlicensed individual or unauthorized business association shall be disciplined by the New Jersey State Board of Architects pursuant to the provisions of P.L.1978, c. 73 (C. 45:1-14 et seq.). Such a violation shall be deemed the unlicensed practice of architecture. However, the design of an engineering work by an unlicensed individual or unauthorized business association shall be disciplined by the State Board of Professional Engineers and Land Surveyors pursuant to the provisions of P.L.1978, c. 73 (C. 45:1-14 et seq.). Such a violation shall be deemed the unlicensed practice of engineering.

45:3-24. Continuing Education of Architects

It is hereby declared to be in the interest of the citizens of this State to encourage the maintenance of continuing proficiency for licensed architects to the end that the utilization and application of new techniques and advances will be in the public interest.

45:3-25. Continuing Education Required for License Renewal of Architects

The New Jersey State Board of Architects shall require each architect, as a condition of biennial license renewal pursuant to section 1 of P.L.1972, c. 108 (C. 45:1-7), to complete any continuing education requirements imposed by the board pursuant to section 3 of this act.

45:3-26. Duties of State Board of Architects

The board shall:

a. Promulgate rules and regulations for implementing continuing education requirements as a condition of license renewal for licenses issued under its jurisdiction.

b. Establish standards for continuing education, including the subject matter and content of courses of study, and the number and type of continuing education credits required of a licensee as a condition of biennial license renewal.

c. Recognize the American Institute of Architects and the National Council of Architecture Registration Boards as certified record keeping services and recognize the American Institute of Architects, the National Council of Architecture Registration Boards and the School of Architecture at the New Jersey Institute of Technology as certified providers of continuing education, and accredit other equivalent educational programs, including, but not limited to, meetings of constituents and components of architect professional associations recognized by the board, examinations, papers, publications, scientific presentations, teaching and research appointments, table clinics and scientific exhibits, and shall establish procedures for the issuance of credit upon satisfactory proof of the completion of these programs. In the case of education courses or programs, each hour of instruction shall be equivalent to one credit.

d. Approve only such continuing education programs as are available to all architects in this State on a reasonable nondiscriminatory basis.

45:3–27. Proof of Completion of Continuing Education Credits

The licensee shall submit as proof of completion of continuing education program credits, and the board shall accept as proof, documentation submitted by the licensee or by any entity offering a continuing education program pursuant to this act.

45:3–28. Waiver of Continuing Education Requirements

The board may, in its discretion, waive requirements for continuing education under this act on an individual basis for reasons of hardship, such as health or other good cause.

45:3–29. Board Authorized to Establish Administration Fees

The board may by rule or regulation establish fees for the administration of continuing education requirements.

45:3–30. Completion Requirements; Initial Registration Periods

The board shall not require completion of continuing education credits for initial registrations. The board shall not require completion of continuing education credits for any registration periods commencing within 12 months of the effective date of this act. The board shall require completion of continuing education credits on a pro rata basis for any registration periods commencing more than 12 but less than 24 months following the effective date of this act.

CHAPTER 3A

LANDSCAPE ARCHITECTS

45:3A–1. Use of title; necessity of certificate; display; use by corporation

In order to safeguard life, health and property, and promote the public welfare, a person using the title “landscape architect” in this State is required to submit evidence that the person is qualified to be certified as provided in this amendatory and supplementary act. It is unlawful for a person to use the title “landscape architect” or any other title, sign, card or device in a manner which tends to convey the impression that the person is a certified landscape architect. Every holder of a certificate shall display it in a conspicuous place in his principal office, place of business or employment.

No corporation, firm, partnership or association shall be granted a certificate under this amendatory and supplementary act. No corporation, firm, partnership or association shall use or assume a name involving the word “landscape architect,” or a modification or derivative of the term, unless an executive officer, if a corporation, or a member, if a firm, partnership or association, is a certified landscape architect of the State.

45:3A–2. Definitions

As used in this act:

a. “Certified landscape architect” means an individual who, by reason of his knowledge of natural, physical and mathematical sciences, and the principles and methodology of landscape architecture and landscape architectural design acquired by professional education, practical experience, or both, is qualified to engage in the practice of landscape architecture and is certified by the board as a landscape architect.

b. “The practice of landscape architecture” means any service in which the principles and methodology of landscape architecture are applied in consultation, evaluation and planning, including the preparation and filing of sketches, drawings, plans and specifications, and responsible administration of contracts relative to projects principally directed at the functional and aesthetic use of land. Nothing contained in this section shall be construed to restrict or otherwise affect the right of any person or corporation to engage in the practice of landscape architecture, but no person or corporation shall hold himself out as, or use the title “certified landscape architect,” unless he has been certified pursuant to this act.

c. “Committee” means the Landscape Architect Examination and Evaluation Committee.

45:3A–3. Applicability of act to architects, engineers, land surveyors or professional planners

Nothing in this amendatory and supplementary act shall be construed to prevent the practice of architecture, engineering or land surveying or professional planning by a holder of a license to practice that profession licensed by this State, but no architect, engineer, surveyor or professional planner shall use the designation “landscape architect” unless certified as a landscape architect in this State.

45:3A–4. Landscape architect examination and evaluation committee; members; appointment; terms of office; vacancies; qualifications; removal; reimbursement of expenses; oath of office

There is established a committee of the board to be known as the Landscape Architect Examination and Evaluation Committee. The committee shall consist of five landscape

architects, one of whom is a member of the board. The committee members shall be appointed by the Governor within 60 days after the effective date of this amendatory and supplementary act. Initial members, other than the member of the board, shall be appointed to one term each of one, two, three and four years respectively; thereafter their successor shall be appointed for terms of five years and until the appointment and qualification of their successors. A member of the committee shall not be eligible to succeed himself more than once. Vacancies in the membership of the committee, however created, shall be similarly filled by appointment of the Governor for the unexpired terms only. Members of the committee shall be residents of this State, shall have at least five years' experience in landscape architecture, shall be of good standing in the landscape architecture profession, and, except as to the initial appointments to the committee, shall be certified under the provisions of this amendatory and supplementary act. The initial appointees shall become certified as soon as practicable after their appointments. The Governor may remove a member of the committee after hearing, for misconduct, incompetence, neglect of duty, or any other sufficient cause.

Members of the committee shall receive no compensation for their services, but may be reimbursed for all necessary expenses incidental to performance of their duties as members of the committee.

Each member of the committee, before entering upon the duties of his office, shall subscribe to an oath to faithfully perform the duties of his office.

45:3A-5. Officers; meetings; quorum; vote necessary

The committee shall, at its first meeting, called by the Governor as soon as may be following the appointments of its members, and at all annual meetings, to be held in July of each year thereafter, organize by electing from its membership a chairman and by appointing a secretary, who need not be a member of the committee, and other assistants as it deems necessary.

The committee shall adopt annually a schedule of regular meetings, and special meetings may be held at the call of the chairman.

A quorum of the committee shall consist of three members. No action of a meeting shall be taken without at least three votes in accord.

45:3A-6. Review and establishment of standards of courses of study; list of approved colleges and universities; records

The committee is authorized to review the content and duration of courses of study offered by colleges and universities for degrees in landscape architecture and to establish and maintain a register of colleges and universities whose curricula in landscape architecture are approved by the committee, to establish and maintain a list of recognized subjects and courses of study, and to establish minimum requirements therefor which shall be acceptable to the board and the committee.

In addition to those records of proceedings and applicants established by the board, the committee shall keep a record of its proceedings and a record of all applicants for certification, showing for each the date of application, name, age, education, and other qualifications, place of practice and place of residence, whether or not an examination was required, and whether the applicant was rejected or a certificate granted, and the date of that action.

45:3A–7. Application; contents

Each person applying for certification as a landscape architect shall make application therefor to the board on the form and in the manner the committee prescribes and the board shall immediately refer each application to the committee for appropriate action. Each applicant shall furnish evidence satisfactory to the committee that he:

- a. Is of good moral character;
- b. Meets the educational and experience qualifications prescribed by this amendatory and supplementary act for certification as a landscape architect; and
- c. Unless exempt from examination pursuant to this amendatory and supplementary act, has passed an examination satisfactory to the committee.

45:3A–8. Qualifications

a. An applicant for examination or certification as a landscape architect shall provide the committee with evidence satisfactory to it that he:

(1) Is the holder of a bachelor's or higher degree in landscape architecture from a college or university having a landscape architecture curriculum approved by the committee; and

(2) Has engaged in landscape architectural work satisfactory to the committee to an extent that his combined college study and practical experience total at least six years.

b. In lieu of the degree and practical experience requirements specified in subsection a. of this section, evidence of 10 or more years of practical experience in landscape architecture of a grade and character satisfactory to the committee may be accepted. Each completed year of study satisfactory to the committee may be accepted in lieu of one year's practical experience toward the required total of 10 years. Six years of practical experience satisfactory to the committee may be accepted by the committee for admission to that portion of the examination related to landscape architecture.

c. Six years after the effective date of this act, an applicant shall be eligible for certification as a landscape architect only if he meets the requirements of subsection a. of this section.

45:3A–9. Fees

The following fees shall be assessed and collected by the board:

a. An application fee for certification as a landscape architect which shall not be subject to refund;

b. An examination fee and initial two-year certification fee for landscape architects which shall be subject to refund if the applicant is determined to be ineligible for examination, withdraws his application for examination, or fails to appear for examination;

c. A two-year renewal fee for landscape architects; and

d. A reinstatement fee for certified landscape architects.

45:3A–10. Examination

a. The committee shall administer an examination to be given to all persons, not exempt from examination pursuant to this amendatory and supplementary act, who have applied for certification as landscape architects.

b. The committee may exempt from examination an applicant who holds a license or certificate to practice landscape architecture issued to him upon examination by a legally constituted board of examiners in any state, district or territory in the United States, provided the applicant's qualifications meet the requirements enforced in this State at the time the license was issued.

Unless a majority of the full committee shall determine otherwise, the examination to be administered to all nonexempt applicants shall consist of the Unified National Examination as prepared by the Council of Landscape Architectural Registration Boards.

45:3A–11. Review of applicants by committee and board; issuance of certificate

The committee shall review the qualifications of each person who applies for certification as a landscape architect. Notwithstanding any other provision of this amendatory and supplementary act to the contrary, no applicant shall be certified by the board unless a majority of the full committee first determines that he is qualified by education, experience and satisfactory performance on the examination to be certified as a landscape architect and all applicants who are determined to be so qualified and are recommended for certification by the committee shall be certified by the board.

The board is authorized to review the actions taken by the committee with respect to the committee's evaluation and examination of applicants for certification as landscape architects but the board may reverse, modify or fail to implement any of the above described actions of the committee only by the affirmative vote of at least six members of the board.

45:3A–12. Renewal of certificates; duplicate certificates

Certificates for landscape architects shall expire on May 30 in the second year following the year of issuance, renewal or reinstatement, and shall become invalid on that day unless renewed. Certified landscape architects shall apply for renewal before May 30 in the year of expiration of a certificate. On or before May 1 in the year of expiration of a certificate the secretary of the board shall notify all persons certified under this amendatory and supplementary act of the date of the expiration of their certificates and the amount of the renewal fee. Notice shall be mailed to each holder of a certificate at his last post office address known to the board.

Failure on the part of the holder of a certificate to renew his certificate every two years in the month of May shall not deprive that person of the right of renewal during the ensuing two years, but a reinstatement fee shall be added to the certificate fee; and if the certificate is not renewed within the two years following its expiration, the holder of the certificate shall pay a reinstatement fee for each two years or portion thereof in which the holder is in arrears. Continuing to use the title "landscape architect" after the expiration of the certificate shall be a violation of this amendatory and supplementary act.

A duplicate certificate to replace one lost, destroyed or mutilated may be issued subject to the rules and regulations of the board, and a reasonable fee, to be established by the board may be charged for each duplicate certificate. An unsuspended, unrevoked and unexpired certificate as a landscape architect under this act shall be prima facie evidence in all courts and places that the person named therein is certified. Each certificate shall be recorded by the board in the office of the Secretary of State, in a book kept for that purpose, and any recording fee as may be provided by law shall be paid by the applicant before the certificate is delivered.

45:3A–13. Seal; contents; signing and sealing documents

Every person using the title “landscape architect” shall have a seal of a type approved by the board, which shall contain the name of the landscape architect, his certificate number, the legend “certified landscape architect” and other words or figures as the board may deem necessary. All working drawings and specifications prepared by the landscape architect or under the supervision of the landscape architect shall be stamped with the seal and shall be signed on the original, with the personal signature of the certified landscape architect, when filed with public officials. The board, upon recommendation and approval of the committee, may by regulation, change or modify the requirements as to the signing and sealing of documents.

45:3A–14. Qualification for certificate without examination

Notwithstanding any other provision of this amendatory and supplementary act to the contrary, for a period of one year from the effective date of this amendatory and supplementary act, an individual of good moral character shall be entitled to receive a certificate as a landscape architect without examination if he files an application therefor accompanied by the application fee, the examination and certificate fee, and evidence that he has:

a. A diploma of graduation or satisfactory certificate from a college or university recognized by the committee as offering an approved curriculum in landscape architecture or the equivalent thereof as determined by the committee, together with at least four years of practical experience in landscape architectural work of a grade and character acceptable to the committee; or

b. A total of at least 12 years of experience in the teaching of landscape architecture in a college or university or at least 12 years of practical experience in landscape architectural work of a grade and character acceptable to the committee.

45:3A–15. Continuing education requirement

Four years from the effective date of this amendatory and supplementary act and every four years thereafter, each person certified to practice landscape architecture in this State shall certify to the board, upon a form issued and distributed by the board, that the person has attended or participated in not less than 20 hours of continuing education in landscape architecture as follows: college postgraduate courses, lectures, seminars, or workshops, as approved by the committee or any other evidence of continuing education which the board may approve.

CHAPTER 4B

BUILDING DESIGN SERVICES

45:4B–1. Short title

This act shall be known and may be cited as the “Building Design Services Act.”

45:4B–2. Legislative findings and declarations

The Legislature finds and declares that there is an area of concurrent practice between the practice of architecture and the practice of engineering, specifically in the area of building design. In order to eliminate uncertainty and provide for the resolution of future disputes in the area of concurrence, the Legislature declares that it is in the public interest to create a Joint Committee of Architects and Engineers to receive referrals from the New Jersey State Board of Architects and the State Board of Professional Engineers and Land Surveyors; conduct investigations to determine violations of this act; conduct, at its discretion, hearings; communicate its findings in writing; and issue declaratory rulings on the use group classifications contained in section 7 of this act.

Nothing herein, except as provided in section 5 of this act, shall be deemed to preempt the ultimate decision making authority of the boards.

It is also the Legislature’s intent to provide for contracting between architects and engineers without compromising the integrity of either profession.

This act is declared remedial except that the powers and duties of the committee shall be limited to those contained in section 5 of this act.

45:4B–3. Definitions

For the purposes of this act:

- a. “Architectural project” means any building or structure the plans for which may be prepared, designed, signed, and sealed by a licensed architect pursuant to section 7 of this act.
- b. “Boards” means the New Jersey State Board of Architects and the State Board of Professional Engineers and Land Surveyors.
- c. “Closely allied professional” means and is limited to licensed architects, professional engineers, land surveyors, and professional planners.
- d. “Engineering project” means a building or structure the plans for which may be prepared, designed, signed, and sealed by a professional engineer pursuant to section 7 of this act.
- e. “Engineering systems” means those systems necessary for the proper function of a building and surrounding site, the proper design of which requires engineering knowledge acquired through engineering or architectural training and experience. These systems include but are not limited to structural, electrical, heating, lighting, acoustical, ventilation, air conditioning, grading, plumbing and drainage. Drainage facilities for sites of 10 acres or more or involving storm water detention facilities or traversed by a water course shall only be designed by a professional engineer.
- f. “Joint committee” means the Joint Committee of Architects and Engineers created pursuant to section 4 of this act.

g. “Owner” means any person, agent, firm, partnership or corporation having a legal or equitable interest in the property or any agent acting on behalf of such individuals or entities.

h. “Practice of architecture” or “architectural services” means the rendering of services in connection with the design, construction, enlargement, or alteration of a building or a group of buildings and the space within or surrounding those buildings, which have as their principal purpose human use or habitation. These services include site planning, providing preliminary studies, architectural designs, drawings, specifications, other technical documentation, and administration of construction for the purpose of determining compliance with drawings and specifications.

i. “Practice of engineering” or “engineering services” means any service or creative work the adequate performance of which requires engineering education, training, and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such services or creative work as consultation, investigation, evaluation, planning and design of engineering works and systems, planning the use of land and water, engineering studies, and the administration of construction for the purpose of determining compliance with drawings and specifications; any of which embraces such services or work, either public or private, in connection with any engineering project including: utilities, structures, buildings, machines, equipment, processes, work systems, projects, telecommunications, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic or thermal nature, insofar as they involve safeguarding life, health or property, and including such other professional services as may be necessary to the planning progress and completion of any engineering services. The design of buildings by professional engineers shall be consistent with section 7 of this act. The practice of professional engineering shall not include the work ordinarily performed by persons who operate or maintain machinery or equipment.

j. “Responsible charge” means the rendering of regular and effective supervision by a competent licensed architect or professional engineer as appropriate to those individuals performing services which directly and materially affect the quality and competence of professional work rendered by the licensee. A licensee engaged in any of the following acts or practices shall be deemed not to have rendered regular and effective supervision:

(1) The regular and continuous absence from principal office premises from which professional services are rendered, except for the performance of field work or presence in a field office maintained exclusively for a specific project;

(2) The failure to personally inspect or review the work of subordinates where necessary and appropriate;

(3) The rendering of a limited, cursory or perfunctory review of plans for a building or structure in lieu of an appropriate detailed review; and

(4) The failure to personally be available on a reasonable basis or with adequate advanced notice for consultation and inspection where circumstances require availability.

45:4B–4. Joint committee of architects and engineers; members; appointment; alternate members; quorum; meetings; compensation

There is created in the Division of Consumer Affairs in the Department of Law and Public Safety a Joint Committee of Architects and Engineers which shall consist of five members, two of whom shall be licensed architect members of the New Jersey State Board of Architects, two of whom shall be professional engineer members of the State Board of Professional Engineers and Land Surveyors and one of whom shall be appointed by the Governor.

The professional members shall be appointed by their respective board presidents with the advice and consent of a majority of their respective boards. They shall serve at the discretion of their respective boards during their terms of office.

The gubernatorial appointment shall be a resident of this State with experience as an arbitrator and shall not be a licensed architect, professional engineer, certified landscape architect, or a closely allied professional. The gubernatorial appointment shall serve from the date of appointment for a term of five years and shall not serve for more than two consecutive terms. The gubernatorial appointment may be removed for cause by the Governor.

An alternate member shall be chosen from each board in the same manner as the professional members. An alternate member may represent the appointing board when a professional member is absent from a joint committee meeting. While acting in this capacity the alternate member shall enjoy all the rights and privileges of a voting professional member.

The gubernatorial appointment with an equal number of architect and engineer professional members present shall constitute a quorum. No joint committee business shall be conducted without a quorum.

The joint committee shall meet at least six times a year, except that it shall meet no less than once every two months.

The joint committee members shall be entitled to receive per diem fees and expenses equivalent to fees paid to members of the professional and occupational licensing boards pursuant to section 2 of P.L.1977, c. 285 (C. 45:1-2.5).

The cost of operation of the joint committee shall be borne equally by the boards which shall adopt such fees by regulation as are necessary to fund such operation.

45:4B-5. Powers and duties

The joint committee shall have the following powers and duties:

a. To investigate, within a reasonable period of time, any alleged violation of this act referred by the boards.

b. To conduct, at its discretion, investigative hearings on any alleged violation of this act referred by the boards.

c. To notify the boards, in writing, if in a particular matter, it finds that no violation of this act has occurred. In the event such a finding is made, no further action shall be taken with respect to that particular matter by either board or the joint committee.

d. To notify the boards, in writing, if in a particular matter, it finds that a violation of this act has occurred. In the event of such a finding the board possessing authority to discipline the licensee or other regulated entity found to have violated this act shall either initiate disciplinary action, or where in its determination the basis for the joint committee's finding is insufficient, refer the matter back to the joint committee for further investigation and evaluation.

e. To determine, by regulation, the assignment of use group classification established pursuant to section 7 of this act for any building or structure not contemplated within the use groups or whose classification is not reasonably ascertainable.

f. To issue declaratory rulings with regard to determining a building or structure's primary use group classification for the purpose of determining if such building or structure is an architectural or engineering project, or both. Requests for declaratory rulings shall be submitted to the joint committee by either of the boards. The joint committee may issue a declaratory ruling which shall bind the boards and all parties to the proceeding on the state of the facts alleged. That ruling shall be deemed a final decision or action subject to review in the Appellate Division of the Superior Court.

g. To promulgate rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (C. 52:14B-1 et seq.) to carry out the purposes of this act.

45:4B-6. Evaluation of complaint, question or controversy involving application of act

Any complaint, question, or controversy involving the application of this act may be referred to the joint committee for evaluation and such action as may be authorized herein. The boards shall provide any and all documents in their possession regarding any matter referred to the joint committee and shall, where necessary and appropriate, exercise the investigation or enforcement power conferred by law in order to aid and assist the joint committee in its functions.

No joint committee member shall be disqualified from any board deliberation or action solely by reason of that member's having participated in joint committee activity.

45:4B-7. Classification of buildings and structures by use into use groups

a. For the purposes of this act, buildings and structures are classified by their use into use groups as determined by the BOCA National Building Code. The following chart based on the BOCA National Building Code/1987, tenth edition, designates projects by use groups and sets forth those which may be designed, prepared, signed, and sealed by licensed architects and professional engineers, or both, as indicated. In the event that the BOCA National Building Code's provisions are altered in subsequent editions nothing herein contained shall be deemed to be altered.

BUILDING DESIGN CATEGORIES

BOCA Use Group Classification	Architects May Design	Engineers May Design
A-Assembly	All	A-5 Outdoor Assembly use or as an incidental use.
B-Business	All	None other than Note 1 or as an incidental use.

E-Educational	All	None except for an incidental use.
F-Factory and Industrial	All	All
H-High Hazard	All	All
I-Institutional	All	None except for an incidental use.
M-Mercantile	All	None except for an incidental use.
R-Residential	All	None except for an incidental use.
S-Storage	All	All
U-Utility	All	All
	Except an Engineering Work	

Note 1. Professional engineers may design the following projects within the B Use group:

- (a) Car wash facilities;
- (b) Materials testing laboratories; and,
- (c) Telephone exchanges and data processing relay or equipment facilities.

b. An engineering work such as a sewage or water treatment plant, power plant, or transportation system, shall be prepared, designed, signed, and sealed by a professional engineer only.

c. Professional engineers may prepare, design, sign and seal buildings or portions of buildings in a non-permitted use group classification only as an incidental use.

A portion of a building shall be deemed to be an incidental use where the portion is an ancillary part of an engineering project and the building or portion is of a building design category prohibited to engineers. The area of the incidental use shall not constitute more than 10% of the building's total floor area or 2000 square feet whichever is greater.

In the design of traditional engineering works projects such as sewage or water treatment plants, power plants or transportation systems, the area of the incidental use shall not constitute more than 10% of the total square footage of all structures in the project, or 2000 square feet, whichever is greater. Where public access is a primary consideration in buildings such as transportation terminals, railroad stations, or administration buildings, those buildings shall be designed by architects only.

45:4B-8. Provision of architectural and engineering services by sole proprietor or business association authorized to render engineering services; contract; conditions

A sole proprietor or business association, which may by law render or offer to render engineering services shall enter into a contract with an owner to provide architectural and engineering services under the following conditions:

a. The contract with the owner is in writing and provides for a coordinated rendering of architectural and engineering services.

b. Architectural services shall be provided pursuant to a separate, written, independent subcontract which clearly delineates the responsibility of the licensed architect or business association and the contracting entity.

c. Any subcontract for the providing of architectural services pursuant to this act shall provide that:

(1) The licensed architect or business association shall render such services as an independent professional and not as an employee of a sole proprietor or business association which may by law provide or offer to provide engineering services.

(2) The licensed architect shall exercise independent professional judgment consistent with accepted standards of the practice of architecture with regard to the project as its circumstances may dictate.

d. A professional engineer may design any engineering additions to an architectural project.

e. Corporations subject to the requirements of subsection a. of section 7 of P.L.1989 c. 276 (C.45:8–56) shall, in addition to the requirements provided therein, be subject to the following:

(1) At least two thirds of the directors shall be professional engineers; and

(2) A minimum of 20% of the shares shall be owned by professional engineers.

45:4B–9. Provision of architectural and engineering services by sole proprietor or business association authorized to render architectural services; contract; conditions

A sole proprietor or business association, which may by law render or offer to render architectural services, shall enter into a contract with an owner to provide architectural and engineering services under the following conditions:

a. The contract with the owner is in writing and provides for a coordinated rendering of architectural and engineering services.

b. Engineering services shall be provided pursuant to a separate, written, independent subcontract which clearly delineates the responsibility of the professional engineer or business association and the contracting entity.

c. Any subcontract for the providing of engineering services pursuant to this act shall provide that:

(1) The professional engineer or business association shall render services contracted for as an independent professional and not as an employee of a sole proprietor or business association which may by law provide or offer to provide architectural services.

(2) The professional engineer shall exercise independent professional judgment consistent with accepted standards of the practice of engineering with regard to the project as its circumstances may dictate.

d. A licensed architect may design any architectural additions to an engineering work.

45:4B–10. Design of engineering systems in connection with architectural project by architect; conditions

A licensed architect shall provide the design of engineering systems in connection with an architectural project under either of the following conditions:

a. The engineering systems are designed within the architect's office and the work is done under the responsible charge of a licensed architect or a professional engineer. Where such work is done under the responsible charge of a licensed architect, the architect shall sign and seal all plans and specifications. If the architect designates a professional engineer to be in responsible charge of all or a portion of the design of the engineering systems, the professional engineer shall sign and seal all such engineering designs; or

b. All or a portion of the engineering systems are designed outside the architect's office under a subcontract with a professional engineer who is in responsible charge of the work. The contract shall be in writing and provide that the professional engineer shall exercise independent professional judgment consistent with accepted standards of engineering with regard to the project as its circumstances may dictate. This work product shall be submitted by said engineer:

- (1) On drawings with the engineer's title block, properly signed and sealed;
- (2) In report or specification form, appropriately identified, signed, and sealed;
- (3) In letter form properly signed;
- (4) In any other form as is consistent with the assignment.

45:4B–11. Records of licensee

A licensee shall maintain such records as are reasonably necessary to establish that the licensee exercised regular and effective supervision of any professional services of which he or she was in responsible charge.

45:4B–12. Prohibition of use of title “architect” or description “architectural services” by engineer

Notwithstanding the provisions of this act, an individual or business association, which may by law practice engineering, but not architecture, shall not use the title architect or advertise or use any title, sign, card or device to indicate that that sole proprietor or business association may perform architectural services. A sole proprietor or business association in advertising or offering to perform services pursuant to section 7 or 8 of this act, shall designate or describe those services as “building design services” or the substantial equivalent but shall not utilize the term “architectural services” or its substantial equivalent.

45:4B–13. Prohibition of use of title “engineer” or description “engineering services” by architect

Notwithstanding the provisions of this act, a sole proprietor or business association, which may by law practice architecture, but not engineering, shall not use the title engineer or advertise or use any title, sign, card or device to indicate that that sole proprietor or business association may perform engineering services. That sole proprietor or business association in advertising or offering to perform services pursuant to section 7 or 9 of this act, shall designate or describe such

services as “works facilities design” or the substantial equivalent but shall not utilize the term “engineering services” or its substantial equivalent.

45:4B–14. Violations; discipline or penalties

a. Consistent with section 5 of this act, any licensed architect who, or business association authorized to offer architectural services which, violates this act shall be disciplined by the New Jersey State Board of Architects. Such a violation shall be deemed professional misconduct. Any professional engineer who, or business association authorized to offer engineering services which, violates this act shall be disciplined by the State Board of Professional Engineers and Land Surveyors. Such a violation shall be deemed professional misconduct.

b. Any violation of this act by an unlicensed individual or unauthorized business association shall be disciplined by the New Jersey State Board of Architects pursuant to the provisions of P.L.1978, c. 73 (C. 45:1–14 et seq.). Such a violation shall be deemed the unlicensed practice of architecture. However, the design of an engineering work by an unlicensed individual or unauthorized business association shall be disciplined by the State Board of Engineers and Land Surveyors pursuant to the provisions of P.L.1978, c. 73 (C. 45:1–14 et seq.). Such a violation shall be deemed the unlicensed practice of engineering.

CHAPTER 27

NEW JERSEY STATE BOARD OF ARCHITECTS

SUBCHAPTER 1. PURPOSE AND SCOPE

13:27–1.1 Purpose

The purpose of this chapter is to regulate the practice of architecture in the State of New Jersey pursuant to N.J.S.A. 45:3–1.

13:27–1.2 Scope

This chapter shall apply to all applicants seeking licensure as an architect and all licensees practicing architecture in the State of New Jersey.

SUBCHAPTER 2. ADMINISTRATION

13:27–2.1 Establishing Board name

In accordance with P.L. 1902, c.29, p. 54 as amended and supplemented (N.J.S.A. 45:3–1 et seq.) the name of this Board shall be the New Jersey State Board of Architects.

13:27–2.2 Office location

The offices of the Board are located at 124 Halsey Street, PO Box 45001, Newark, New Jersey 07101.

13:27–2.3 Meetings of Board; quorum

(a) The Board shall hold an annual meeting at the Board office in July of each year.

(b) The meetings of the Board shall be held as scheduled and notice thereof shall be filed in accordance with the Open Public Meetings Act (P.L. 1975, c.231).

(c) A majority of the appointed membership of the Board shall constitute a quorum (N.J.S.A. 45:1-2.2(d)).

(d) Chronic absence and/or lack of participation by a member in Board activities, as documented by Board records, may be the basis for the submission of a request for replacement to the appropriate authority, as determined by a majority vote of the Board.

13:27-2.4 Election of officers; term; vacancies

(a) At its annual meeting, the Board shall elect from its members a President and a Vice President. These officers shall be elected by a quorum of the Board.

(b) The term of each officer so elected shall be for one year, but shall continue until a successor has been elected and qualified, unless such officer is removed for cause by vote of a quorum of the Board. In the event of a vacancy in an office, an officer shall be elected by a quorum of the Board to fill the unexpired term.

13:27-2.5 Duties of officers; committee appointments

(a) The President of the Board shall preside at all meetings, appoint all committees and chairpersons and shall perform all other duties ordinarily pertaining to the Office of the President or as may be directed by the Board.

(b) The Vice President shall perform the duties of the President during the absence or incapacity of the President. In the absence of both the President and Vice President, the Board member with seniority shall preside.

13:27-2.6 Executive Director; duties

(a) An Executive Director shall serve as chief administrative officer and official custodian of the records of the Board.

(b) The Executive Director shall, in a thorough and efficient manner, fulfill administrative duties, including, but not limited to, duties in connection with the keeping of minutes of meetings, examinations, correspondence, staff and records.

13:27-2.7 Roster; dissemination of statutes, rules and code data

A roster of architects and landscape architects registered in the State of New Jersey shall be issued every two years. The roster shall also include the statutes and regulations pertaining to the practice of architecture and landscape architecture and shall list other appropriate codes relating to the practice of architecture and landscape architecture in New Jersey.

SUBCHAPTER 3. ARCHITECTURAL PRACTICE AND RESPONSIBILITY

13:27-3.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

“Advertisement” means any communication to the public including, but not limited to, newspaper, periodical, journal, flyer, business card, radio, telephone, television, Internet, or any other electronic media in which architectural services are offered or by which the availability of architectural services is made known.

“Advertiser” means a person offering architectural services in the State of New Jersey by way of an advertisement.

“Aesthetic principles” means the concepts of order, balance, proportion, scale, rhythm, color, texture, mass and form as used in the design process.

“Architect” means an individual who through education, training, and experience is skilled in the art and science of building design and has been licensed or registered by the New Jersey State Board of Architects to practice architecture in the State of New Jersey.

“Architectural services” or “practice of architecture” means the rendering of any of the following services in connection with the design, construction, enlargement, or alteration of a building or a group of buildings and the space within or surrounding those buildings, which have as their principal purpose human use or habitation. These services include site planning, providing preliminary studies, architectural designs, drawings, specifications, other technical documentation, and construction supervision for the purpose of determining compliance with construction documents.

“Architecture” means the art and science of building design and particularly the design of any structure for human use or habitation. Architecture, further, is the art of applying human values and aesthetic principals to the science and technology of building methods, materials and engineering systems as required to comprise a total building project with a coherent and comprehensive unit of structure and site.

“Board” means the New Jersey State Board of Architects.

“Certificate of Authorization” means a certificate issued by the Board to a general business corporation or a limited liability company to permit the practice of architecture pursuant to N.J.S.A. 45:3–18.

“Certificate of Registration” or “license” means official documents attesting to the fact that the individual has met the minimum requirements to practice architecture in the State of New Jersey. For the purposes of this chapter, the terms “licensed” and “registered” are used interchangeably.

“Closely allied professional” means and is limited to licensed architects, professional engineers, land surveyors, and professional planners.

“Construction documents” means all of the written, graphic, and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of a construction project.

“Continuing education” means professional development activities whose purpose is academic and professional instruction in order to advance an architect’s professional knowledge and skill.

“Continuing education (‘CE’) hour” means one 60–minute clock hour of an educational activity with no less than 50 minutes of instructional content within the hour.

“Design services,” as provided by a builder or home improvement contractor, means conceptual drawings or sketches of floor plans or elevations and the rendering of price quotations or estimates all of which may be necessary to develop the scope, character and potential cost of a one or two-family, detached home or improvement thereto.

“Diversified experience in architecture” means a wide spectrum of professional experience consistent with the elements defined by the National Council of Architecture Registration Boards (NCARB) through its Intern Development Program (IDP).

“Health, safety and welfare programs or courses” means relevant technical and professional architectural continuing education subjects related to safeguarding life, health, and property and promoting the public welfare. The term includes the application of human values and aesthetic principles to the science and technology of structural design or evaluation; building methods, materials, and engineering systems; construction codes; construction-related standards; fire protection; means of egress; and barrier-free accessibility.

“Human use or habitation” means the activities of living, including, but not limited to, fulfilling domestic, religious, education, recreational, employment, assembly, health care, institutional, memorial, financial, commercial, industrial and governmental needs.

“Human values” means the social, cultural, historical, economic and environmental influences that have an impact on the quality of life.

“Licensee” means a person who has been granted licensure by the New Jersey State Board of Architects.

“Limited liability company (LLC)” means a business corporation organized in compliance with the Limited Liability Company Act, N.J.S.A. 42:2B–1 et seq., to engage in and carry on any lawful business, purpose or activity which combines the attributes of both corporation and partnership, and provides the limited liability generally associated with a corporation and the Federal tax treatment of a partnership.

“Limited liability partnership (LLP)” means an association of two or more persons to carry on as owners of a business for profit, which partnership is formed pursuant to an agreement governed by the laws of this State, registered pursuant to N.J.S.A. 42:1–44 and in compliance with N.J.S.A. 42:1–45.

“Office of a registered architect in private practice” means an organization which offers architectural service, is in the responsible charge of a registered architect(s) who is/are the principal owner or owners of the organization, and has no affiliate engaged in construction activities.

“Organization or affiliate engaged in construction” means one which undertakes to provide labor and/or material for all or any portion of a construction project, whether on lump sum, cost plus or other basis of compensation; and agrees to guarantee to a property owner the maximum construction cost for all or any significant portion of a construction project.

“Person” means any individual or any business associations or entity.

“Principal” means a registered architect who is an owner in whole or in part of any business entity authorized by law to offer or render architectural services.

“Responsible charge” means the rendering of regular and effective supervision by a competent licensed architect to those individuals performing services which directly and materially affect the quality and competence of architectural services rendered by the licensee.

13:27–3.2 Scope of architectural service; advertising

(a) No person, except an architect licensed in the State of New Jersey, shall use the title “architect” or its substantial equivalent or otherwise represent to the public that the person is licensed to practice architecture in this State.

(b) No advertisement shall include the terms “architect,” “architectural,” “architect on staff,” “architectural services” or the substantial equivalent thereof unless the advertiser is a business association authorized to render architectural services pursuant to N.J.S.A. 45:3–17 or 45:3–18. Specifically, such services shall be rendered only by the following: a sole proprietorship of a licensed architect; a partnership, including a limited liability partnership, of licensed architects; a partnership, including a limited liability partnership, of closely allied professionals as defined by N.J.S.A. 45:3–1.1(f), including at least one licensed architect; a professional service corporation of closely allied professionals, including at least one licensed architect, established pursuant to the “Professional Service Corporation Act” (N.J.S.A. 14A:17–1 et seq.); a general business corporation holding a Certificate of Authorization from the Board of Architects issued pursuant to N.J.S.A. 45:3–18; or a limited liability company holding a Certificate of Authorization, established pursuant to the “Limited Liability Company Act” (N.J.S.A. 42:2B–1 et seq.), which complies with N.J.S.A. 45:3–18(a) or (b).

(c) A builder registered pursuant to the “New Home Warranty and Builder’s Registration Act” (N.J.S.A. 46B–1 et seq.) or a home improvement contractor may advertise, or offer to perform “design services” either in the construction of one- to two-family homes or in connection with the demolition, enlargement or alteration thereto. A builder or home improvement contractor shall render such services only to the owner-occupant of such dwellings.

(d) An advertisement for design services by a builder or home improvement contractor pursuant to (c) above shall not in any way be limited except as set forth in (e) below, and may contain the following terms or their substantial equivalent:

1. Construction design services;
2. Design;
3. Design services;

4. Design/build;
5. Design/build services; and/or
6. Building design services.

(e) Builders and home improvement contractors shall not advertise, offer or perform design services that involve the preparation of construction documents, which consist of, but are not limited to, those drawings or specifications necessary to support an application for building or other construction permits.

(f) It shall be permissible for a person not authorized to render architectural services to utilize the terms “space planning,” “interior design,” “interior design services” or the substantial equivalent thereof provided that the design services advertised, offered or performed:

1. Are limited to the function of the interior space within an existing or proposed building;
2. Do not affect the means of egress and life safety of the building, nor involve any alteration or modifications of the building’s existing or proposed structure, seismic integrity, or partitions that affect the means of egress and life safety, or its electrical, mechanical, HVAC (heating, ventilation and air conditioning) or plumbing systems;
3. Do not require or involve the skill, training or expertise of a licensed architect; and
4. Do not include the production of construction documents, which consist of, but are not limited to, those drawings or specifications necessary to support an application for a building or other construction permit.

(g) Nothing in this section shall prohibit any person or entity authorized by law to render professional engineering services from utilizing the terms set forth in (d) above in connection with the advertising of professional engineering services.

13:27–3.3 Single family exemption

(a) In accordance with N.J.S.A. 45:3–10, any person in this State may act as a designer of a detached single family dwelling and appurtenances thereto to be constructed by that person solely as a residence for that person or member of that person’s immediate family.

(b) A person may design the dwelling and all appurtenances thereto, prepare the construction drawings and file the construction drawings with an affidavit indicating the name of the person who drew the construction drawings.

(c) In lieu of personally preparing the construction drawings, a person may utilize pre-prepared (commercially published, available to the public) construction drawings which bear a certification that they were originally prepared by an architect licensed in any United States’ jurisdiction, provided these construction documents are reviewed, signed, sealed and adapted to the specific site by a New Jersey licensed architect. By signing and sealing these construction documents, the New Jersey licensed architect assumes full responsibility for said construction

documents, just as if the construction documents were prepared under the direct supervision of the architect.

(d) A person, in lieu of personally constructing the residence, may engage others to perform the work.

13:27–3.4 Impersonal names

(a) Impersonal names shall not be used by individuals, firms, partnerships, associations or any other entities unless they have formed either a professional service corporation established in accordance with N.J.S.A. 14A:17–1, or a general business corporation, or a limited liability company which qualifies for and holds a Certificate of Authorization as provided for in accordance with N.J.S.A. 45:3–18 and issued by the Board of Architects.

(b) The name of a professional service corporation shall contain the full or last names of one or more of the licensed shareholders, or a name descriptive of the type of professional service which will be provided by the professional service corporation.

(c) The name of a general business corporation or a limited liability company which holds a Certificate of Authorization shall contain the surname of one or more licensed shareholder(s), or a term which describes the professional service which will be provided.

13:27–3.5 Restrictions in titles

(a) A sole proprietorship shall not be conducted under a title which designates or suggests the existence of more than a single principal.

(b) The term “Associates,” when used officially in the title of a firm, shall refer only to more than one individual licensed in this State as architects or in a closely allied licensed profession.

(c) When any partner, shareholder, associate, member or other licensed professional whose name is used in the title ceases to be a member of a firm or partnership for any reason including death or disability, then the title of the firm shall be changed within two years of this disassociation. This requirement does not apply to an organization established as a professional service corporation pursuant to N.J.S.A. 14A–17.1, or a general business corporation or a limited liability company authorized to practice architecture following issuance of a Certificate of Authorization pursuant to N.J.S.A. 45:3–18.

13:27–3.6 Notification of change of address; service of process

(a) A licensed architect shall notify the Board in writing of any change from the address currently registered with the Board and shown on the most recently issued certificate. Such notice shall be sent to the Board by certified mail, return receipt requested, no later than 30 days following the change of address. Failure to notify the Board of any change of address may result in disciplinary action in accordance with N.J.S.A. 45:1–21(h).

(b) Service of an administrative complaint or other Board-initiated action at a licensee’s address which is currently on file with the Board shall be deemed adequate notice for the purposes of N.J.A.C. 1:1–7.1 and the commencement of any disciplinary proceedings.

SUBCHAPTER 4. LICENSING PROCEDURES

13:27–4.1 Requirements for admission to examination

(a) No applicant shall be entitled to consideration for admission to the examination for licensure, or shall be permitted to take the examination, while a formal complaint is pending in which the individual is charged with the illegal practice of architecture or while penalties for violations of the Board’s statutes and regulations remain unsatisfied.

(b) No later than 60 days prior to the examination, an applicant shall present evidence to the satisfaction of the Board that:

1. The applicant is 18 or more years of age and of good moral character, as established by references from individuals, schools and other sources acceptable to the Board which attest to the applicant’s good moral character;

2. Except as set forth in N.J.A.C. 13:27–4.2, the applicant holds a professional degree in architecture from a college or university whose degree program has been accredited by the National Architectural Accrediting Board (NAAB) not later than two years after graduation; and

3. The applicant has completed the Intern Development Program (IDP) administered by the National Council of Architect Registration Boards (NCARB).

(c) Applicants who submitted applications for the Architect Registration Examination prior to January 1, 1998, but have not fulfilled the training requirement, shall:

1. Complete the Intern Development Program administered by the National Council of Architect Registration Boards; or

2. Earn three years of training credits pursuant to the provisions of N.J.A.C. 13:27–4.3 through 4.6. At least one of the three years shall consist of diversified training in the office of a registered architect in private practice and shall be under the direct supervision of a registered architect, who need not be the principal in the firm.

- i. Applicants who submitted applications for the Architect Registration Examination prior to January 1, 1998 who choose to fulfill the training requirements pursuant to paragraph (c)2 above, shall do so by December 31, 2001 or shall be required to complete the Intern Development Program.

13:27–4.2 Applicant with a degree from a foreign college or university

(a) An applicant with a degree from a foreign college or university shall obtain, at his or her own expense, and submit to the Board, either:

1. A “Detailed” evaluation by Education Credential Evaluators, Inc., or other evaluation services recognized by the Board certifying that the degree is the equivalent in level, scope and intent of a bachelor or a master degree of architecture that would be accredited in the United States; or

2. If the “Detailed” evaluation does not certify equivalency, a “Comprehensive” evaluation outlining specific academic deficiencies. The application will not be considered until those academic requirements are completed.

13:27–4.3 Training requirements; prerequisites for applicants who submitted applications for the Architect Registration Examination prior to January 1, 1998

(a) Training credits shall accrue for applicants who submitted applications for the Architect Registration Examination prior to January 1, 1998, only after the following educational requirements have been met:

1. After the third full year in an NAAB-approved professional degree program;
2. After one year in an NAAB-approved professional master’s degree program; or
3. After 96 semester credit hours in an NAAB-approved professional degree program, of which no more than 60 semester credit hours shall be in the general education category.

13:27–4.4 Training requirements prior to January 1, 1998

(a) In accordance with N.J.A.C. 13:27–4.1(c)2, applicants who submitted applications for the Architect Registration Examination prior to January 1, 1998 may acquire training credits in the following ways:

<u>Item</u>	<u>Description of Training</u>	<u>Percent Credit Allowed</u>	<u>Maximum Credit Allowed</u>
A	Diversified experience in architecture as an employee in the office of a registered architect in private practice under the direct supervision of a registered architect.	100%	No Limit
B	Diversified experience in architecture as an employee of an organization, other than offices of a registered architect in private practice, when the experience is under the direct supervision of a registered architect. Three years of credit will be granted if the Board has pre-approved an organization’s intern development program that is comparable to NCARB/IDP.	100%	2 years
C	Experience directly related to architecture, under the direct supervision of a licensed professional engineer (practicing as a structural, civil, mechanical or electrical engineer in the field of building construction); certified landscape architect; or licensed professional planner.	50%	1 year
D	Experience directly related to on-site building construction operations or experience involving physical analyses of existing buildings.	50%	6 mos.
E	A post-professional degree in architecture or teaching or research in a NAAB-accredited	100%	1 year

	architectural program obtained subsequent to a professional degree as defined in N.J.A.C. 13:27-4.1(b)2		
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13:27-4.5 Training prior to January 1, 1998; public or private nonprofit institutions

In accordance with N.J.A.C. 13:27-4.1(c)2, applicants who submitted applications for the Architect Registration Examination prior to January 1, 1998 may acquire training credits in a public or private non-profit institution, under the direct supervision of a registered architect, provided that the documentation submitted by that agency or institution demonstrates that it provides diversity of experience comparable in scope to that offered by a private architectural office. In deciding if training represents “diversified experience in architecture,” the Board will compare the training provided by the agency or institution with the training requirements mandated by the Board. Such entities shall submit documentation of these training programs to the Board prior to the implementation of the training program.

13:27-4.6 Training prior to January 1, 1998; non-traditional settings

(a) In accordance with N.J.A.C. 13:27-4.1(c)2, applicants who submitted applications for the Architect Registration Examination prior to January 1, 1998 may receive a maximum of two years of IDP training credits while working under the supervision of a registered architect when both the architect and the intern are employees of a firm or corporation that is not an architectural firm in private practice but which meets all of the following criteria:

1. The firm or corporation does not engage in construction other than for its own use and occupancy; and
2. The proposed IDP program of the firm or corporation has been examined and approved by the New Jersey State Board of Architects prior to such time as the IDP training program can commence in that firm or corporation.

13:27-4.7 (Reserved)

13:27-4.8 Architect Registration Examination: subjects covered

(a) The subjects covered in the examination are based on the examinations recommended by the National Council of Architectural Registration Boards and reviewed and approved by the Board as follows:

Divisions:

Pre-Design

Site Planning

Building Planning

Building Technology

General Structures

Lateral Forces

Mechanical and Electrical Systems

Materials and Methods

Construction Documents and Services

(b) Each division successfully passed will be credited to the record of the candidate and may be carried over without limitation.

13:27–4.9 Eligibility of licensed professional engineer for licensure as an architect by limited examination

A professional engineer licensed in the State of New Jersey in good standing, holding an accredited degree in engineering, and without restriction of complaint or charge of illegal practice of architecture, shall be eligible for licensure upon successful completion of the following Divisions of the Architect Registration Examination (ARE): Pre-Design; Site Planning—Written and Graphic; Building Planning; and Building Technology.

13:27–4.10 Registration by reciprocity

(a) Any person registered or licensed to practice architecture in another jurisdiction of the United States or one of its territories or possessions may be granted registration provided that:

1. The applicant is 18 or more years of age and of good moral character, as established by references from individuals, schools and other sources acceptable to the Board which attest to the applicant's good moral character;

2. The applicant is not charged by the New Jersey State Board of Architects or any other jurisdiction with a violation of any statute or regulation relating to the practice of architecture or any violation which would indicate a lack of good moral character as required by statute or regulation; or, having been found guilty of a violation, has not satisfied the penalty imposed;

3. The education, training and examination requirements in such other jurisdiction are substantially equal to those required in this State, under current law; and

4. The applicant has provided satisfactory evidence of competency as the Board, in its discretion, may require, including, but not limited to:

i. Exhibits of three architectural projects illustrated in construction documents and photographs;

ii. Oral examination by the Board; and/or

iii. Satisfactory completion of such portion(s) of the Architect Registration Examination (ARE) as the Board may deem necessary.

(b) In cases where the applicant has been granted registration in another United States jurisdiction on the basis of less experience than the three years required for registration in this State, the Board in its discretion may accept, in lieu of the deficiency, periods of experience in

the “practice of architecture,” as defined in N.J.A.C. 13:27–3.1, gained subsequent to registration as an architect in that jurisdiction.

(c) In cases where the applicant has been granted registration in another United States jurisdiction on the basis of education or examination qualifications that are not equal to the requirements of this State, the Board may grant registration upon presentation by the applicant of evidence satisfactory to the Board of at least five years of responsible “practice of architecture,” as defined under N.J.A.C. 13:27–3.1, while holding a valid license as an architect.

13:27–4.11 Fees

(a) The following fees shall be charged by the Board:

1.	Application Fee	\$ 50.00
2.	Initial License Fee	
	i. If paid during the first year of a biennial renewal period	160.00
	ii. if paid during the second year of a biennial renewal period	80.00
3.	Biennial Renewal Fee	160.00
4.	Reciprocity Application Fee	
	(plus initial license fee)	75.00
5.	Replacement or Duplicate Seal Press	40.00
6.	Duplicate wall certificate	25.00
7.	Late Fee	50.00
8.	Verification of Licensure	30.00
9.	Reinstatement Fee	100.00
10.	Roster	15.00

(b) The “Roster of Architects” shall be issued without charge to State, county and municipal government agencies and to all architects and landscape architects listed therein.

(c) Certificate of Authorization fees shall be as follows:

1.	Application fee	\$100.00
2.	Initial registration	
	i. If paid in the first year of a biennial renewal period	500.00
	ii. If paid in the second year of a biennial renewal period	250.00
3.	Biennial Renewal	500.00

SUBCHAPTER 4A. CONTINUING EDUCATION

13:27–4A.1 License renewal; continuing education requirements

Each applicant for biennial license renewal shall complete, during the preceding biennial period, continuing education in the continuing education (“CE”) hours specified in N.J.A.C. 13:27–4A.2. Each applicant shall confirm on the biennial renewal application form that he or she has complied with the Board’s continuing education requirements.

13:27–4A.2 Continuing education hour requirements; carry over of excess CE hours

(a) Except as set forth in (b) below, a licensee applying for renewal on or after August 1, 2001 shall complete, during the preceding biennial period, a minimum of 24 CE hours of continuing

education consistent with the definition of “continuing education hour” in N.J.A.C. 13:27–3.1. At least eight CE hours per year or 16 CE hours per biennial renewal period shall be obtained from courses or programs within the definition of health, safety, and welfare programs or courses as set forth in N.J.A.C. 13:27–3.1. The remaining CE hours shall be in educational activities that are directly related to the practice of architecture.

(b) A licensee shall not be required to obtain CE hours during the first biennial renewal period in which the licensee obtained initial licensure but shall be subject to the requirements of (a) above for all subsequent biennial renewal periods.

(c) For continuing education license renewal credit, continuing education activities shall be a minimum of one CE hour as defined in N.J.A.C. 13:27–3.1. A maximum of six CE hours shall be credited for any one calendar-day period.

(d) An architect who exceeds CE requirements in a biennial renewal period may carry up to 12 CE hours, including eight CE hours of health, safety, and welfare programs or courses, into the next renewal period. Any CE hours to be carried over shall have been earned in the last six months of the biennial renewal period.

13:27–4A.3 Sources of CE hours; limitations of CE hours on particular activities

(a) An architect may obtain unlimited CE hours, including those fulfilling the health, safety and welfare programs or courses requirements, from educational programs offered by the following recognized providers listed in (a)1 through 6 below. Continuing education hours shall be granted on an hour-for-hour basis of class attendance, pursuant to N.J.S.A. 45:3–26(c).

1. Courses, programs or seminars offered or approved by the American Institute of Architects (“AIA”);

2. Courses, programs or seminars offered or approved by the National Council of Architectural Registration Boards (“NCARB”);

3. Courses, programs or seminars offered or approved by the School of Architecture at the New Jersey Institute of Technology (“NJIT”);

4. Courses, programs or seminars offered or approved by schools of architecture approved by the National Architectural Accrediting Board (“NAAB”);

5. Courses, programs or seminars offered or approved by the New Jersey Department of Community Affairs that are directly related to the practice of architecture; and

6. Attendance of educational programs conducted during meetings and conferences of architect professional associations recognized by the Board to the extent that CE hours are credited only to that portion of the meeting or conference that comprised the educational program.

(b) An architect may obtain limited CE hours, including health, safety, and welfare program or course CE hours, in any one-year period, for participation in the following professional activities:

1. Passing the examination for licensure or certification as a landscape architect, land surveyor, professional engineer or professional planner in New Jersey: two CE hours per examination;

2. Preparation of papers, publications, and scientific presentations published or presented within the preceding biennial renewal period provided the subject matter of the paper, publication, or scientific presentation is directly related to the practice of architecture: three CE hours per paper, publication, or scientific presentation with a maximum of one paper, publication or scientific presentation per year;

3. Presentation of table clinics or scientific exhibits that are directly related to the practice of architecture: one hour per hour of presentation, up to a maximum of two CE hours per year;

4. Teaching and research appointments for each new program or course taught or subject matter researched by a licensee that is directly related to the practice of architecture to be performed at or approved by any of the organizations in (a)1 through 5, above: eight CE hours. "New," in this paragraph, means a program, course or subject matter which the licensee has never taught or researched before in any educational or institutional setting.

13:27–4A.4 Reporting and documentation of continuing education hours

(a) An architect shall maintain, for five years following license renewal, a record of all continuing education activity completed and shall submit evidence of completion of the CE hour requirements to the Board upon request. An architect shall obtain from the continuing education course sponsor or organization a record of attendance which shall include, at a minimum, the following:

1. The participant's name and Board-issued license number, which shall appear on every page of every item submitted to the Board;
2. The title or subject matter of the course;
3. The name of the instructor;
4. The course provider/sponsor;
5. The date and location of the course;
6. The number of CE hours earned from the course; and
7. Verification of successful completion.

(b) In addition to the requirements of (a) above, each architect shall verify specific continuing education activities applicable as follows:

1. Completion of academic course work by submitting an official transcript;
2. Publication of a paper by submitting a copy of the published paper;

3. Teaching or research appointment by submitting written verification from the appropriate school authority on official letterhead or bearing other official mark, attesting to the appointment; and

4. Presentation of a continuing education lecture course or a scientific presentation by submitting written verification from the sponsoring organization of said presentation.

(c) If official correspondence, a transcript, or formal verification of continuing education hours is not available, the architect shall substitute such evidence of completion of the CE hours claimed as may substantiate completion of those hours. The Board may require supplemental documentation or other evidence, including a personal interview with the architect, to establish verification of CE hours claimed for continuing education credit.

(d) Falsification of any information submitted with the renewal application may result in an appearance before the Board, penalties, and/or suspension of license pursuant to N.J.S.A. 45:1–21 through 45:1–25.

13:27–4A.5 Audit of continuing education

(a) All architects shall be subject to audit by the Board and shall, upon written request of the Board, submit documentation to support continuing education credit claimed for license renewal. Documentation may include, but is not limited to, proof of attendance, course syllabi, course descriptions, copies of courses, publications and papers published or presented, the verifications enumerated in N.J.A.C. 13:27–4A.4 and other documentation as the Board may require.

(b) The Board may reject any continuing education hours claimed for continuing education credit that are not relevant to the practice of architecture in the State of New Jersey.

(c) The Board may take any appropriate disciplinary measures, including suspension of license, pursuant to N.J.S.A. 45:1–21, if an architect fails to meet continuing education requirements as set forth in this subchapter. An architect shall have an opportunity to be heard pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B–1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, before any disciplinary measure is imposed.

13:27–4A.6 Waiver of continuing education requirements

(a) The Board may waive all or part of the continuing education requirements on an individual basis for reasons of hardship, such as severe illness, disability, active service in the military, or other good cause.

(b) Any architect seeking a waiver of all or part of the continuing education requirements shall apply to the Board in writing prior to renewal of licensure and set forth with specificity the reasons for requesting the waiver. The architect shall also provide such additional information as the Board may reasonably request in support of the request for waiver.

SUBCHAPTER 5. RULES OF PROFESSIONAL CONDUCT

13:27–5.1 Competence

(a) An architect shall at all times recognize the primary obligation to protect the health, safety and welfare of the public in the performance of professional duties, shall act with reasonable care and competence, and shall apply the technical knowledge and skill which are ordinarily applied by architects of good standing, practicing in the same locality.

(b) An architect shall take into account all of the applicable Federal, State, county and municipal statutes, regulations and ordinances including, but not limited to, New Jersey Uniform Construction Code Regulations (N.J.A.C. 5:23); zoning ordinances; master plans and site plan regulations. While an architect may rely on the advice of other professionals (for example: attorneys, other architects, engineers, landscape architects and other qualified persons) as to the intent and meaning of such statutes and regulations, once having obtained such advice, an architect shall not knowingly proceed in violation of such statutes and regulations.

(c) An architect shall undertake to perform professional services only when he or she, together with those whom the architect may engage as consultants, are qualified by education, training, and experience in the specific scope of contractual obligations and technical areas involved.

(d) No person shall practice architecture if such person is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the public health, safety and welfare.

13:27–5.2 Duty to report and cooperate

(a) If, in the course of his or her work on a project, an architect becomes aware of a decision taken by his or her employer or client, against the architect's advice, which violates applicable Federal, State, county or municipal building statutes, ordinances, and regulations and which would, in the architect's exercise of reasonable judgment, materially and adversely affect the health, safety and welfare of the public, the architect shall:

1. Report the decision to the local municipal construction official charged with the enforcement of the applicable Federal, State, county or municipal building statutes, ordinances, and regulations, and to the Department of Community Affairs, Director, Division of Codes and Standards, PO Box 802, Trenton, N.J. 08625–0802;

2. Refuse to consent to the decision; and

3. In circumstances where the architect reasonably believes that other such decisions will be taken notwithstanding his or her objection, terminate his or her services with reference to the project.

(b) An architect who knows that another architect has violated these rules or any act administered by the Board shall report the violation to the Board when the architect reasonably believes that the violation constitutes a threat to the public health, safety and welfare.

(c) An architect shall not deliberately make a false statement or fail deliberately to disclose a material fact requested in connection with his or her application for registration or renewal, or any other official request for information made by the Board.

(d) An architect shall not assist the application for registration of a person known by the architect to be unqualified in respect to education, training, experience, or character.

(e) An architect shall not impede the application of a registrant for licensure by failure to cooperate with the Board in its request for information.

13:27–5.3 Conflict of interest

(a) An architect shall provide professional services to the client competently and independently through contractual arrangements with the client which safeguard the exercise of unprejudiced judgment of the architect.

(b) An architect shall not accept compensation for his or her services from more than one party on a project unless the circumstances are fully disclosed and agreed to in writing by all interested parties.

(c) An architect shall not solicit or accept compensation, goods or services from material or equipment manufacturers or suppliers in return for specifying or endorsing their products.

(d) When acting as the interpreter of construction contract documents and the judge of construction contract performance, an architect shall render decisions impartially, favoring neither party to the contract.

13:27–5.4 Full disclosure

(a) An architect making public statements on architectural questions shall disclose when he or she is being compensated for making such statements.

(b) An architect shall accurately disclose to a prospective or existing client or employer his or her qualifications and the scope of his or her responsibility in connection with work for which he or she is claiming credit.

13:27–5.5 Professional practice and procedures

(a) Each office maintained for the purpose of providing architectural services or other professional work shall have an architect in responsible charge, as defined in N.J.S.A. 45:3–1.1(l).

1. A licensee engaged in any of the following acts or practices shall be deemed not to be in responsible charge:

i. The regular and continuous absence from principal office premises from which professional services are rendered, except for performance of field work or presence in a field office maintained exclusively for a specific project;

ii. The failure to personally inspect or review the work of subordinates where necessary and appropriate;

iii. The rendering of a limited, cursory or perfunctory review of plans for a building or structure in lieu of an appropriate detailed review; and/or

iv. The failure to be personally available on a reasonable basis or with adequate advance notice for consultation and inspection where circumstances require personal availability.

(b) Except as set forth in N.J.A.C. 13:27–3.3(c), an architect shall not sign or seal drawings, construction documents, reports or other professional work for which he or she does not have direct professional knowledge and direct supervisory control; provided, however, that in the case of the portions of such professional work prepared by the architect’s consultants, registered under this or another professional registration law of this State, the architect may sign or seal that portion of the professional work if the architect has reviewed such portion, has coordinated its preparation, and intends to be responsible for its adequacy.

(c) An architect shall not aid nor abet an unlicensed individual or entity in the practice of architecture by permitting his or her name, seal, and/or signature to be used in connection with an individual, firm or corporation not authorized by law to practice architecture.

(d) An architect shall neither offer nor make any gifts with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.

SUBCHAPTER 6. CERTIFICATES; SEALS; TITLE BLOCKS

13:27–6.1 Issuance of Certificates

Upon approval by the Board and payment of all fees, an architect shall be issued a certificate and seal press as proof of licensure and authorization to practice.

13:27–6.2 Renewals of license and Certificate of Authorization

(a) A licensee shall renew his or her license and/or a Certificate of Authorization on or prior to its expiration date as indicated on the biennial renewal notice.

(b) If the renewal application is submitted within 30 days after the expiration date, the licensee shall pay, in addition to the biennial renewal fee, the late fee set forth in N.J.A.C. 13:27–4.11.

(c) Failure to renew a license or Certificate of Authorization within 30 days of the expiration date of a biennial period will require payment of reinstatement fees and biennial renewal fees as set forth in N.J.A.C. 13:27–4.11.

13:27–6.3 Reinstatement of Certificates

(a) An architect whose license has expired and who seeks reinstatement shall provide the following to the Board prior to being considered for reinstatement of licensure:

1. Payment of the renewal fee for the current biennial period and the appropriate renewal fees for all biennial periods since the date the license expired;
2. Payment of the reinstatement fee set forth in N.J.A.C. 13:27–4.11; and
3. A notarized affidavit delineating the professional activities in which he or she has engaged since his or her license expired including a listing of all projects for which architectural services were performed.

(b) An applicant for reinstatement found to have practiced architecture in the State of New Jersey since the date the license expired shall be required to pay, in addition to the fees set forth above, a penalty for unlicensed practice as determined by the Board.

(c) A licensee may be denied reinstatement in the event that charges relating to the unlawful or improper practice of architecture are pending against the architect in any state or jurisdiction.

(d) The applicant for reinstatement shall be required to produce satisfactory evidence of competency such as the Board, in its discretion, may require.

1. Such evidence may consist of, but not be limited to, exhibits of three architectural projects illustrated by construction documents and photographs and may include oral examination.

2. The Board may require the applicant to demonstrate evidence of efforts to maintain and advance his or her knowledge of the art and science of architecture during the period of non-licensure.

13:27–6.4 Seals

(a) A registrant shall seal architectural documents only with seal presses purchased or exchanged through the Board.

(b) Rubber stamps shall not be used for the purpose of sealing documents.

(c) Upon the death of a registrant or upon forfeiture of a certificate, the seal shall be returned to the Board.

(d) The family of a deceased architect may petition the Board to retain an architect's seal press as a memento. The family shall be responsible for the safekeeping of the seal to prevent its use in the illegal practice of architecture.

(e) Failure to return a seal rendered invalid by non-payment of renewal fees shall subject the individual to such penalties as provided by law and may be grounds for refusal of the Board to reinstate a license.

13:27–6.5 Signing and sealing documents

(a) Construction drawings and the title pages of the specifications for filing with a public agency or for the owner's legal documentation requirements shall be dated, signed and sealed by the architect in responsible charge in one of two ways:

1. The architect shall sign and date the original documents, including tracings, reproducible drawings or those generated electronically, then affix the seal to opaque prints or reproductions of the originals; or

2. In lieu of signing and dating the original documents, the architect is permitted to sign, date, and seal the opaque copies of the originals.

(b) All certifications that amend, clarify or modify construction documents prepared by the architect in responsible charge shall be dated, signed and sealed prior to forwarding to a public agency.

13:27–6.6 Title block on drawings; general requirements; form; removal

(a) A title block shall appear on all drawings and site plans. Title block information is not required on renderings. Similar information shall appear on the title page of all specifications which are prepared, signed and sealed by the architect in responsible charge.

(b) The title block shall be in such form as set forth in N.J.A.C. 13:27–6.7.

(c) The title block shall be distinct and separate from any other title block, box, plaque or any similar device of illustration or lettering included on the drawings or on the title page of the specifications.

(d) The title block shall be affixed on each drawing in such a manner as to reproduce clearly on all prints and reproductions thereof.

(e) No person shall remove a title block from any print, reproduction, or electronic media.

(f) A non-licensed person's name, other than the name of the owner or lessee of the building, shall not appear within the title block.

13:27–6.7 Title block contents; requirements by form of architectural practice

(a) When the architect practices as an individual or sole proprietor the title block shall contain:

1. The full name of the architect;
2. The title "architect";
3. The address of the architect;
4. A space for the name of the client and the location of the project; and
5. The name, license number, and space for the handwritten signature of the architect in responsible charge, and the date when signed.

(b) When two or more licensed architects practice architecture as a firm, partnership, or limited liability partnership, the title block shall contain:

1. The firm name, followed by the words "Limited Liability Partnership" or the abbreviation "L.L.P." or "LLP," if this designation is applicable;
2. The title "architects";
3. The address of the firm or partnership;
4. A space for the name of the client and the location of the project; and

5. The name, license number, and space for the handwritten signature of the architect in responsible charge, and the date when signed.

(c) When professionals practice architecture as a professional service corporation organized under N.J.S.A. 14A:17–1 et seq., the title block shall contain:

1. The professional service corporation name;
2. The title “architects,” and titles of any other closely allied professionals;
3. The address of the professional service corporation;
4. A space for the name of the client and the location of the project; and

5. The name, license number, and space for the handwritten signature of the architect in responsible charge, and the date when signed.

(d) Title block contents for a general business corporation or limited liability company authorized to practice architecture under a Certificate of Authorization issued pursuant to N.J.S.A. 45:3–18 shall contain:

1. The name of the general business corporation or limited liability company, followed by the words “Limited Liability Company” or the abbreviation “L.L.C.” or “LLC,” if this designation is applicable, and Certificate of Authorization number;
2. The title “architects” or titles of any other “closely allied professionals”;
3. The address of the general business corporation or limited liability company;
4. The name and location of the project; and

5. The full name, license number, and space for the handwritten signature of the architect in responsible charge, and the date when signed.

(e) When an architect is a subcontractor on an engineering project pursuant to the Building Design Services Act (N.J.S.A. 45:4B–8), the architect shall include a secondary title block with all the information required in (a), (b), (c) or (d) above. Reference to the name and location of the project need not be repeated in the secondary title block.

(f) An architect practicing as an employee of a business entity which does not offer architectural services to the public shall use a title block which contains the name of the entity as the “owner” and all other elements required by this section.

(g) The title block may contain the initials of the draftsman or checker, and dates, drawing numbers, revision numbers and such similar incidental items as are customarily used in the architects’ offices.

13:27–6.8 Submission of title block form for approval

Any architect may submit a proposed form of title block to the State Board of Architects for approval.

SUBCHAPTER 7. PERMISSIBLE DIVISION OF RESPONSIBILITY IN SUBMISSION OF SITE PLANS AND MAJOR SUBDIVISION PLATS

13:27–7.1 General provisions

(a) All words, terms, and phrases used in this subchapter shall be as defined in the Municipal Land Use Act, N.J.S.A. 40:55D–1 et seq.

(b) Preparation and submission of the various elements of a preliminary or final site plan or major subdivision plat shall be within the professional scope of the various professions as listed in this subchapter.

13:27–7.2 Depiction of existing conditions on a site plan

(a) Showing existing conditions and exact location of physical features including metes and bounds, drainage, waterways, specific utility locations, and easements: By a land surveyor.

1. Survey information may be transferred to the site plan if duly noted as to the date of the survey, by whom, and for whom. A signed and sealed copy of the survey shall be submitted to the reviewing governmental body with the site plan submission.

(b) Vegetation, general flood plain determination, or general location of utilities, buildings, or structures: By an architect, planner, engineer, land surveyor, certified landscape architect, or other person acceptable to the reviewing governmental body.

13:27–7.3 Preparation of site plan

(a) The location of proposed buildings and their relationship to the site and the immediate environs: By an architect or engineer.

(b) The locations of drives; parking layout; pedestrian circulation; and means of ingress and egress: By an architect, planner, engineer, or certified landscape architect.

(c) Drainage facilities for site plans of 10 acres or more; or involving stormwater detention facilities; or traversed by a water course: By an engineer only.

(d) Other drainage facilities: By an architect or engineer.

(e) Utility connections and on tract extensions: By an engineer or architect.

(f) Off tract utility extensions: By an engineer only.

(g) On site sanitary sewage disposal or flow equalization facilities: By an engineer only.

(h) Preliminary floor plans and elevation views of buildings illustrating the architectural design of a project: By an architect, except when the building is part of an engineering or industrial project, floor plans and elevation views may be by an engineer.

(i) Landscaping, signs, lighting, screening or other information not specified above: By an architect, planner, engineer, certified landscape architect, or other person acceptable to the reviewing governmental body.

(j) The general layout of a conceptual site plan for a multiple building project, showing the development elements including their relationship to the site and immediate environs: By an architect, planner, engineer, or certified landscape architect.

13:27-7.4 Preparation of a major subdivision plan

(a) The general location of facilities, site improvements, and lot layouts: By an architect, engineer, land surveyor, planner, or certified landscape architect.

(b) The design and construction details of all public improvements including street pavements, curbs, sidewalks, sanitary sewage, storm drainage facilities: By an engineer only.

(c) Final subdivision map with metes and bounds: By a land surveyor only.

13:27-7.5 Effect of local ordinances

(a) Informal site plans not required by local ordinances are excluded from this rule.

(b) No municipal or county ordinance, policy or action purporting to define the scope of professional activity of architects, engineers, land surveyors, planners, or certified landscape architects in the preparation of site plans or major subdivisions shall reduce or expand the scope of professional practice recognized by the Boards.

SUBCHAPTER 7A. DESIGN BUILD CONTRACTS

13:27-7A.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

"Architect" means an individual defined by N.J.A.C. 13:27-3.1 or business entity licensed or otherwise duly authorized by law to render architectural services within the State of New Jersey.

"Contractor" means any natural person or legal entity that enters into a design build contract with an owner or developer. The term "contractor" as defined herein is specifically distinguished from the term independent contractor as used to define the professional relationship between an architect and a contractor pursuant to N.J.S.A. 45:3-17 and 45:3-18.

"Design build contract" means a written contract, entered into between a contractor and an owner or developer, which provides both for the construction or alteration of a building, group of buildings, structure, or group of structures within the State of New Jersey and for the performance of architectural services by an architect retained by the contractor pursuant to a separate written contract.

"Fundamental change" means a modification which substantially and materially alters a basic design or creates a substitution which will result in substantial financial damage if not disclosed to the owner.

"Immediate family" means a person's spouse and children, the person's siblings and parents, the person's spouse's siblings and parents, and the spouses of the person's children.

"Owner or developer" means any natural person or legal entity, including a private business corporation or a public body, such as the State, State agencies, authorities, and other governmental subdivisions which hold title or other legal interest in real property or the buildings located or to be located thereon and which enter into design build contracts for the construction or alteration of such buildings.

"Significant beneficial interest" means an ownership or other legal or financial interest in a contractor held by an architect or any member, associate, shareholder, officer, or employee of an architect's firm or the immediate family of any such party.

13:27-7A.2 Design build contract; notice

(a) Before an architect may perform architectural services for a contractor in connection with a design build contract, the architect shall ascertain that the contract between the contractor and the owner or developer contains the following notice:

NOTICE

This is a design build contract. Pursuant to N.J.A.C. 13:27-7A.1, a design build contract is a written contract entered into between a contractor and an owner or developer which provides both for the construction or alteration of a building and for the performance of architectural services by an architect engaged by the contractor pursuant to a separate written contract.

The architect or architectural firm that will be providing architectural services to the contractor in connection with this design build contract will be:
_____.

The architect's address and telephone number are: _____.

The architect is contractually obligated to provide services to the contractor. The owner or developer and the architect may, at any time, discuss issues pertinent to the design of the building which is the subject of the design build contract.

13:27-7A.3 Contractual provisions between architect and contractor

(a) In addition to any other contractual terms and conditions agreed to by the parties, the separate written contract between the architect and the contractor shall expressly provide that:

1. The architect shall, at all times, provide architectural services as an independent contractor pursuant to N.J.S.A. 45:3-17 and 45:3-18 and not as an employee of the contractor;

2. In providing architectural services, the architect shall, at all times, exercise independent, professional judgment consistent with established standards of architectural practice, the rules of professional conduct set forth at N.J.A.C. 13:27-5, and such other statutory and regulatory requirements as may be applicable;

3. The architect may, at any time, discuss with the owner or developer issues pertinent to the design of the building which is the subject of the design build contract; and

4. The contractor and the architect shall provide written notice to the owner or developer at least 30 days before the contract between the architect and the contractor is terminated, or before the performance of services by the architect is in any other way suspended or discontinued.

13:27-7A.4 Disclosure of significant beneficial interest

(a) When an architect has a significant beneficial interest in a contractor for whom the architect performs architectural services in connection with a design build contract, prior to the parties entering into the contract, the architect shall:

1. Disclose the significant beneficial interest to the owner or developer in writing and obtain the owner or developer's written consent indicating that the owner or developer is aware of the significant beneficial interest, understands that the architect is bound to a standard of independent professional judgment consistent with N.J.A.C. 13:27-7A.3(a)2, and that the owner or developer consents to the architect's participation in the project; and

2. Ascertain that the contract between the contractor and the owner or developer discloses the significant beneficial interest and states that regardless of the significant beneficial interest, the architect shall comply with a standard of independent professional judgment consistent with N.J.A.C. 13:27-7A.3(a)2.

13:27-7A.5 Design or construction documents; notice of changes

Where an architect has knowledge that an owner has accepted and is relying upon any design or construction documents prepared by the architect, and where the architect is requested or directed by any party to make fundamental changes in those design or construction documents, the architect shall give immediate written notice of the proposed change(s) to the owner and to the contractor. The architect shall not proceed with the changes unless the owner or developer and the contractor agree to the changes in the signed writings.

13:27-7A.6 Contract retention

An architect shall retain a copy of any contract entered into with a contractor in connection with a design build project for 10 years from the date of the contract.

SUBCHAPTER 8. CERTIFIED LANDSCAPE ARCHITECTS

13:27–8.1 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

“Board” means the New Jersey State Board of Architects.

“Certified landscape architect” means an individual who, by reason of his or her knowledge of natural, physical, and mathematical sciences, and the principles and methodology of landscape architecture and landscape architecture design acquired by professional education, practical experience, or both, is qualified to engage in the practice of landscape architecture and is certified by the Board as a landscape architect.

“Committee” means the Landscape Architect Examination and Evaluation Committee of the New Jersey State Board of Architects.

“Practice of landscape architecture” means any service in which the principles and methodology of landscape architecture are applied in consultation, evaluation and planning, including the preparation and filing of sketches, drawings, plans and specifications, and responsible administration of contracts relative to projects principally directed at the functional and aesthetic use of land. Nothing contained in this section shall be construed to restrict or otherwise affect the right of any person or corporation to engage in the practice of landscape architecture, but no person shall hold himself or herself out as, or use the title “landscape architect” or other similar nomenclature as provided by N.J.A.C. 13:27–8.20, unless he or she has been certified by the Board as a landscape architect.

13:27–8.2 Office of the Committee

The office of the Committee shall be that which is maintained by the Board pursuant to N.J.A.C. 13:27–2.2, Administration, under the supervision of the person selected to serve as executive director.

13:27–8.3 Committee organization

(a) The Committee shall, at an annual meeting to be held in July of each year, elect from its membership a chairperson and vice-chairperson.

(b) The Committee shall adopt annually a schedule of regular meetings. Special meetings may be held at the call of the chair or at the action of a quorum of the membership.

(c) A quorum of the committee shall consist of three members. No affirmative action at a meeting shall be taken without at least three affirmative votes.

(d) The Committee shall keep a record of its proceedings and a record of all applicants for certification, showing for each the date of application, name, age, education, and other qualifications, place of practice and place of residence, whether or not an examination was required, and whether the applicant was rejected or a certificate granted, and the date of that action.

13:27–8.4 Approval of landscape architecture curricula and credentials

(a) For purposes of this section, any educational program accredited by the Landscape Architectural Accreditation Board of the American Society of Landscape Architects shall be deemed an approved program.

(b) An applicant for certification as a landscape architect who is a graduate of a school or program not accredited by the Landscape Architectural Board shall provide to the Committee, in addition to a certified transcript of his or her courses, a true and accurate course description for each of the landscape architecture courses for which the candidate is seeking credit toward certification. The Committee shall, in its consideration of the academic program, compare the degree to the standards promulgated by the Landscape Architecture Accreditation Board. Thereafter, the Committee may, in its discretion, require the candidate to appear before the Committee for a personal interview and to present representative samples of his or her landscape architecture work.

13:27–8.5 Application for initial certification by examination

(a) An applicant for initial certification as a landscape architect shall:

1. Successfully complete the Landscape Architect Registration Examination (“LARE”);
2. Successfully complete an examination on landscape architecture issues specific to New Jersey, which shall cover plant materials, soil types, geology and laws and regulations governing land use and planning, including the Municipal Land Use Law, N.J.S.A. 40:55D–1 et seq.; and
3. Pay the initial certification fee as set forth in N.J.A.C. 13:27–8.21.

(b) A candidate for the “LARE” shall apply to the Board for approval to sit for the “LARE.” The candidate shall request from, complete and return to the Board an application form together with the application fee as set forth in N.J.A.C. 13:27–8.21. On receipt of the completed application form, fee and all documentation required by (b)1 through 3 below, the Board shall refer the application to the Committee for evaluation and approval. An applicant shall demonstrate that he or she:

1. Is of good moral character by furnishing five personal references, two from individuals who have known the applicant for at least five years and three from professionally trained design professionals, such as certified or licensed landscape architects, architects, professional engineers or professional planners, who have first hand experience of the applicant’s work. No individual providing a reference shall be related to the applicant. The applicant shall be responsible for ensuring that the Board receives these references by the required date;
2. Is the holder of a bachelor’s or higher degree in landscape architecture from a college or university having a landscape architecture curriculum accredited by the American Society of Landscape Architects (“ASLA”). The applicant shall arrange for the college or university to send an official transcript directly to the Board. The applicant shall be responsible for ensuring that the Board receives the transcript by the required date;

3. Has, by June 30, 2001, engaged in practical landscape architectural work satisfactory to the Committee to an extent that his or her combined college study and practical experience total at least six years, four years of which must be college study with three years in a landscape architecture curriculum, and two years of which must be practical landscape architecture experience approved by the Committee. The practical landscape architecture experience shall be obtained after the completion of the educational requirements; and for two years after completion of the educational requirement set forth in (b)2 above, at least one of which the applicant having worked on a full-time basis under the supervision of a certified or licensed landscape architect, architect, professional planner, or professional engineer;

4. Has, effective July 1, 2001, engaged in practical landscape architectural work for four years after completion of the educational requirement set forth in (b)2 above, at least two of which the applicant having worked on a full-time basis under the supervision of a certified or licensed landscape architect, architect, professional planner, or professional engineer; and

(c) On receipt of the Board's approval, the applicant shall pay the examination fee as is determined by the Council of Landscape Architectural Registration Boards (CLARB) for the "LARE."

13:27–8.6 Application for certification as a landscape architect by reciprocity

(a) An individual may apply for certification by reciprocity as a landscape architect in New Jersey if he or she meets the requirements of N.J.S.A. 45:3A–1 et seq. and:

1. Holds a professional degree in Landscape Architecture from a college or university accredited by the American Society of Landscape Architects (ASLA);

2. Has, by June 30, 2001, engaged in practical landscape architectural work for two years after completion of the educational requirement set forth in (a)1 above, at least one of which the applicant having worked on a full-time basis under the supervision of a certified or licensed landscape architect, architect, professional planner, or professional engineer;

3. Has, effective July 1, 2001, engaged in practical landscape architecture work for four years after completion of the educational requirement set forth in (a)1 above, at least two of which the applicant having worked on a full-time basis under the supervision of a certified or licensed landscape architect, professional planner, or professional engineer;

4. Holds a license or certificate in good standing as a landscape architect from any other state or territory or possession of the United States provided that the requirements for licensure or certification of the issuing agency are substantially equivalent to those of the Committee; and

5. Has passed the CLARB "UNE" or "LARE" or holds a current CLARB certification.

(b) The candidate shall request from, complete and return to the Board an application form and pay the application fee as set forth in N.J.A.C. 13:27–8.21. On receipt of the completed application form and all documentation required in (b)1 through 4 below, the Board shall refer the application to the Committee for evaluation and approval. The applicant shall demonstrate that he or she:

1. Is of good moral character by furnishing five personal references, two from individuals who have known the applicant for at least five years and three from certified or licensed professionals such as landscape architects, architects, professional planners or professional engineers who have first hand experience of the applicant's work. No individual holding a reference shall be related to the applicant. The applicant shall be responsible for ensuring that the Board receives these references by the required date;

2. Is the holder of a bachelor's or higher degree in landscape architecture from a college or university accredited by the American Society of Landscape Architects ("ASLA"). The applicant shall arrange for the college or university to send an official transcript directly to the Board by the required date;

3. Has, through June 30, 2001, engaged in practical landscape architectural work for two years after completion of the educational requirements set forth in (b)2 above, at least one of which the applicant having worked on a full-time basis under the supervision of a certified or licensed landscape architect, architect, professional planner or professional engineer;

4. Has, effective July 1, 2001, engaged in practical landscape architectural work for four years after completion of the educational requirement set forth in (b)2 above, at least two of which the applicant having worked on a full-time basis under the supervision of a certified or licensed landscape architect, architect, professional planner or professional engineer; and

5. Has successfully completed the CLARB "UNE" or "LARE" or holds a current CLARB certification. The applicant shall arrange for the state of licensure to verify proof of licensure in good standing. Applicants holding CLARB certification shall arrange for CLARB to send the certificate to the Board.

(c) On receipt of the Board's approval, the applicant may apply to take the New Jersey examination and pay the examination fee as set forth in N.J.A.C. 13:27-8.21.

13:27-8.7 Certifications and renewals

(a) A certificate holder shall renew his or her certificate on or prior to its expiration date as indicated on the biennial renewal notice.

(b) If the certificate holder submits the renewal application within 30 days after the expiration date, the certificate holder shall pay the biennial renewal fee and the late fee as set forth in N.J.A.C. 13:27-8.21.

(c) If the certificate holder fails to renew a certificate within 30 days of the expiration date of a biennial period the certificate holder shall pay reinstatement fees and biennial renewal fees as set forth in N.J.A.C. 13:27-8.21.

13:27-8.8 Duplicate certificates

The Board shall issue a duplicate certificate upon payment of the duplicate certificate fee as set forth in N.J.A.C. 13:27-8.21 and receipt by the Board of an affidavit or certified statement attesting that the original was either lost, destroyed, mutilated or is otherwise no longer in the custody of and cannot be recovered by the certificate holder, or an affidavit or certified statement that the certificate holder is employed in more than one location.

13:27–8.9 Seal and signature

(a) Every certified landscape architect shall have a seal established by the Committee and issued by the Board, which shall contain the name of the landscape architect, his or her certificate number, and the legend “Certified Landscape Architect”.

(b) All construction documents prepared by the landscape architect or under his or her supervision shall be signed on the original with the personal signature of the landscape architect. Thereafter, all copies of such drawings and specifications shall be sealed prior to submission to the client or filing with a public agency.

(c) A certified landscape architect shall provide the following information in a title block which shall be placed on all construction contract drawings prepared under his or her direction. The information shall appear legibly on the construction contract drawings and shall be clearly reproducible.

1. The full name of the certified landscape architect as it appears on the certificate issued by the Board;
2. The signature of the certified landscape architect;
3. The certificate number and title: New Jersey Certified Landscape Architect; and
4. The date when signed.

(d) Other information may appear with or within the title block provided that the required information is distinct and the name of the certified landscape architect is readily discernible from the other information on the document.

13:27–8.10 Certification renewal; continuing education requirements

A landscape architect shall confirm on the biennial renewal application form that he or she has complied with the Committee’s continuing education requirements as set forth in N.J.A.C. 13:27–8.11. In the event a landscape architect fails to meet the continuing education requirements, the landscape architect certificate shall not be renewed until all delinquent hours have been completed and reinstatement fees and biennial renewal fees for each two years or portion thereof in which the holder is in arrears have been paid pursuant to N.J.A.C. 13:27–8.21.

13:27–8.11 Continuing education hour requirements

(a) A certificate holder shall not be required to obtain continuing education hours during the first biennial renewal period in which the certificate holder first obtains licensure. For each succeeding biennial renewal period, the certificate holder shall complete a minimum of 30 hours of continuing education. “Continuing education (CE) hour” means one 60 minute clock hour of an educational activity with no less than 50 minutes of instructional content within the hour.

(b) A maximum of 15 hours in excess of the required 30 hours may be carried over into a succeeding biennial period.

(c) A certificate holder who has allowed his or her certification to lapse and then seeks to reactivate such certification shall submit proof to the Committee of successful completion of the

continuing education hours in an amount equal to those required for an active biennial certification renewal.

13:27–8.12 Continuing education programs and courses

(a) The certificate holder may obtain continuing education credit for the following:

1. Courses or programs approved by the Committee pursuant to N.J.A.C. 13:27–8.16;
2. Seminars, conferences and other programs offered for the purpose of keeping the certificate holder apprised of advancements and new developments in the profession. Suitable programs include, for example, any of the subjects tested in the Landscape Architect Registration Examination (LARE), such as professional practice, design (conceptual site design, planting design, comprehensive site design), communication, or design implementation (grading construction details, layout);
3. Graduate course work relevant to landscape architecture beyond that required for professional certification, at university-sponsored programs or at university-level, subject to prior Committee approval;
4. Participation, other than as a student, in university-level education processes and programs, subject to Committee approval. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks or articles, or similar activities which are determined to be equivalent to obtaining continuing education; and/or
5. Programs offered by the Council of Landscape Architectural Registration Boards.

(b) The Committee shall maintain a list of all approved programs or courses at the Committee offices and shall furnish this information to certificate holders upon request.

(c) A certificate holder may obtain approval for attendance at a seminar, conference or other program, that meets the Committee's continuing education requirements. For approval prior to attendance at a seminar, conference or other program, the certificate holder shall submit to the Committee a descriptive outline of the program or a description as prepared by the sponsor, including dates and hours 60 days prior to enrollment. For approval subsequent to attending a seminar, conference or other program, the certificate holder shall submit to the Committee a descriptive outline of the program or a description as prepared by the sponsor, including dates and hours together with written verification of attendance.

13:27–8.13 Calculation of continuing education hours

(a) Credit for continuing education shall be granted for each biennial renewal period as follows:

1. Attendance at courses or programs approved by the Committee pursuant to N.J.A.C. 13:27–8.16: one hour for each hour of attendance. Completion of an entire course or program is required in order to receive any continuing education credit.

2. For seminars, conferences and other programs offered for the purpose of keeping the certificate holder apprised of advancements and new developments in the profession, one hour for each hour of attendance.

3. Successful completion of graduate course work taken beyond that required for professional certification: a maximum of nine hours for each course;

4. For publication in a refereed professional journal of a copyrighted article related to the profession: nine hours per article and a maximum of 18 hours per biennial cycle;

5. For teaching and research appointments at a college or university level; nine hours for each new course, and a maximum of 18 hours per biennial cycle.

i. For the purposes of this paragraph, a “new” course is one which the certificate holder has never taught before in any educational setting; and

6. For study programs offered or sponsored by the Council of Landscape Architectural Registration Boards: nine hours per biennial cycle.

13:27–8.14 Certification of compliance with continuing education requirements

(a) A certificate holder applying for certificate renewal as set forth in N.J.A.C. 13:27–8.7 shall confirm on the renewal application that he or she has completed the required continuing education during the preceding biennial period set forth in N.J.A.C. 13:27–8.11(a).

(b) Each certificate holder shall be subject to audit by the Committee and shall submit documentation of completed continuing education courses and programs upon request. Failure to provide requested documentation or falsification of any information submitted to the Committee may result in penalties, pursuant to N.J.S.A. 45:1–22 and 45:1–25, and/or suspension of certification, pursuant to N.J.S.A. 45:1–21, after an opportunity to be heard.

(c) Each certificate holder shall retain the following documentation for a period of five years:

1. For attendance at courses or programs approved by the Committee, the verification of attendance as set forth in N.J.A.C. 13:27–8.16(b);

2. For attendance at seminars, conferences and other programs for which the certificate holder received advanced approval, a descriptive outline of the program or a description as prepared by the sponsor, including dates and hours. For attendance at seminars, conferences and other courses and programs for which the certificate holder received subsequent approval by the Committee, written verification by the sponsor of attendance.

3. For publication in a refereed professional journal, the published article; and

4. For teaching or research appointments, a statement from the appropriate school authority verifying the appointment, the duration of the appointment, the number of hours the certificate holder taught, course content and description of the research as applicable.

13:27–8.15 Waiver of continuing education requirements

(a) The Committee may, at its discretion, waive or modify continuing education requirements on an individual basis for reasons of hardship, such as severe illness or disability which prevents attendance at or completion of continuing education, or military service or other good cause as demonstrated by the certificate holder.

(b) Any certificate holder seeking a waiver of the continuing education requirements shall apply to the Committee in writing specifying the reasons for requesting the waiver. The certificate holder shall also provide the Committee with such information as it may reasonably request in support of the application.

13:27–8.16 Responsibilities of continuing education sponsors

(a) At least 60 days prior to offering a course or program, a sponsor of continuing education for landscape architects shall submit the following for each course or program offered, for evaluation by the Committee:

1. A detailed description of course or program content and the number of hours of instruction; and
2. A summary of each lecturer's qualifications.

(b) The sponsor shall monitor the attendance at each approved course or program and furnish to each enrollee a verification of attendance, which shall include at least the following information:

1. The title, date and location of course or program offering;
2. The name and certificate number of the attendee;
3. The number of hours of the course or program and, if known, the number of continuing education hours approved by the Committee; and
4. The name and signature of the person responsible for monitoring attendance.

(c) The sponsor shall solicit evaluations from both the participants and the instructors.

(d) A sponsor shall not exclude from the course or program any certificate holder who is not a member of the group or association but may impose a reasonable differential in course or program fees based upon membership within a group or association.

13:27–8.17 Continuing education credit by reciprocity

(a) A New Jersey certificate holder who is authorized by licensure/certification/registration to practice landscape architecture in another state shall satisfy the continuing education hours requirement of N.J.A.C. 13:27–8.11 by submitting the following:

1. Certification from the appropriate governmental authority of that other state confirming that the person has satisfactorily completed all continuing education requirements for renewal of licensure/certification/registration in that state;

2. Proof that the New Jersey certificate holder primarily practices in that other state; and

3. Proof that other state requires review and approval of continuing education of rigor and extent which are substantially equal to the requirements imposed by New Jersey.

13:27–8.18 Committee certificate for endorsement of continuing education hours

A certificate holder of this State who is in good standing may request of the Executive Director of the Board of Architects a document attesting that the official record confirms satisfactory completion of all New Jersey continuing education requirements. Good standing for this purpose means the individual is currently certified, has paid all required fees, has been audited in the current biennial period to determine compliance with the New Jersey continuing education requirement, and is not the subject of any disciplinary complaint or under current disciplinary sanction.

13:27–8.19 Rules of professional conduct

(a) If in the course of his or her work on a project, a landscape architect becomes aware of a decision taken by his or her employer or client, against the landscape architect's advice, which violates applicable Federal, state, county or municipal building laws and regulations and which would, in the landscape architect's exercise of reasonable judgment, materially and adversely affect the health, safety and welfare of the public, the landscape architect shall notify the employer or the client of such consequences and such other public authority as may be appropriate in the situation.

(b) A landscape architect may accept an assignment or employment requiring education or experience outside of his or her field of competence, but only to the extent that the services are restricted to those phases of the project in which he or she may, without undue cost or hardship to the client, reasonably become qualified. All other phases of such project shall be performed by qualified associates, consultants, or employees in conformance with the statutes and rules governing their respective professions.

(c) A landscape architect shall not affix a personal signature and/or seal to any plan or document dealing with subject matter in which there is a lack of competence by virtue of education or experience, nor to any such plan or document not prepared under his or her direct supervision and control.

(d) A landscape architect shall be completely objective and truthful in all professional reports, statements or testimony and shall include all relevant and pertinent information.

(e) When issuing any statements, criticisms or arguments on matters connected with public policy which are inspired or paid for by an interested party, or parties, a landscape architect shall preface such comments by explicit personal identification, by disclosing the identity of the party or parties on whose behalf he or she is speaking, and by revealing the existence of any pecuniary interest he or she may have in the instant matters.

(f) A landscape architect shall not accept compensation, financial or otherwise, from more than one party for services on the same project, or for services pertaining to the same project, unless the circumstances are fully disclosed to, and agreed to by, all interested parties.

(g) A landscape architect shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products unless such consideration is disclosed to the client.

(h) A landscape architect shall not solicit or accept gratuities or anything of value not related to work performed, directly or indirectly, from contractors, their agents, or other parties dealing with his or her client or employer in connection with work for which he or she is responsible.

(i) When in public service as a member, advisor or employee of a governmental body or department, a landscape architect shall not participate in considerations or actions with respect to services provided by the individual or the individual's professional organization in private practice.

(j) A landscape architect shall not solicit or accept a contract from a government body on which a principal or officer of his or her organization serves as a member.

(k) A landscape architect shall not offer to pay, either directly or indirectly, any commission, political contribution, gift or other consideration in order to secure or retain work, exclusive of securing positions through employment agencies.

(l) A landscape architect shall not falsify or permit misrepresentation of academic or professional qualifications. He or she shall not misrepresent or exaggerate degrees of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures, or past accomplishments with the intent and purpose of enhancing his or her qualifications and work.

(m) A landscape architect shall not knowingly associate with or permit the use of a personal name or firm name in a business venture by any person or firm which he or she knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature or is otherwise engaging in unlawful activities.

(n) All advertisements and public representations of certificate holders which make specific reference to service as a "landscape architect" shall list the name and certificate number of the landscape architect. If the certificate holder conducts the practice under a corporation or trade name, the advertisement/public representation may list the business name under which the practice is conducted but shall also conspicuously disclose the name and certificate number of at least one of the principal practitioners. This requirement applies to all advertising locations, including, but not limited to, listings in a telephone or other consumer information directory, the public media, commercial property, and motor vehicles.

1. Landscape architects, whose advertisements/listings in a telephone or other consumer information directory do not comply with this requirement, shall immediately notify the directory publisher of the additional data which shall be published in the next available directory in which the landscape architect intends to continue such advertisement/listing. The certificate holder, personally or through the business entity, shall retain a copy of the notification which shall be made available for inspection at Board request.

(o) If a landscape architect has knowledge or reason to believe that another person or firm may be in violation of any of these provisions, he or she shall present such information to the

Board in writing and shall cooperate with the Board in furnishing such further information or assistance as may be required by the Board.

13:27–8.20 Nomenclature for non-certified persons

(a) Any individual who is not a certified landscape architect as defined by N.J.S.A. 45:3A–2 may advertise and offer services to the public provided that the description of the advertiser’s title and services conforms to the requirements of (b) below.

(b) An individual who is not a certified landscape architect as defined in N.J.S.A. 45:3A–2 shall not, for example, use the following titles or description of services:

TITLES

Landscape Architect

Certified Landscape Architect

Licensed Landscape Architect

Registered Landscape Architect

Professional Landscape Architect

DESCRIPTIONS OF SERVICES

Landscape Architecture

Landscape Architectural Design

Landscape Architectural Construction

Landscape Architectural Planting Design

Landscape Architectural Service

(c) The titles and descriptions listed in (b) above are not meant to be all-inclusive.

13:27–8.21 Fees

(a) The following fees shall be charged by the Board of Architects for Landscape Architect Certification matters. Unless otherwise provided herein, all fees are nonrefundable.

	1.	Application Fee	\$125.00
	2.	Examination fee for the New Jersey portion of the Landscape Architect Registration Examination (LARE) when Board administered:	\$ 35.00
	3.	Initial Certification Fee (including seal press)	
		i. If paid during the first year of a biennial renewal period	\$160.00
		ii. If paid during the second year of a biennial renewal period	\$ 80.00
	4.	Biennial Renewal Fee	\$160.00

	5.	Late Fee	\$ 50.00
	6.	Reinstatement Fee	\$100.00
	7.	Reciprocity Fee	\$ 75.00
		plus initial certification fee and application fee	
	8.	Duplicate certificate fee	\$ 25.00
	9.	Replacement seal press	\$ 40.00
	10.	Verification of Certification	\$ 25.00
	11.	Roster of certified landscape architects	\$ 15.00
		(provided free to all registrants and public agencies)	

13:27–8.22 Notification of change of address; service of process

(a) Landscape architects shall notify the Board in writing of any change from the address currently registered with the Board and shown on the most recently issued certificate. Such notice shall be sent to the Board by certified mail, return receipt requested, no later than 30 days following the change of address. Failure to notify the Board of any change of address may result in disciplinary action in accordance with N.J.S.A. 45:1–21(h).

(b) Service of an administrative complaint or other Board-initiated action at a certificate holder's address currently on file with the Board shall be deemed adequate notice for the purposes of N.J.A.C. 1:1–7.1 and the commencement of any disciplinary proceedings.

CHAPTER 45C

UNIFORM REGULATIONS

SUBCHAPTER 1. LICENSEE DUTY TO COOPERATE AND TO COMPLY WITH BOARD ORDERS

13:45C–1.1 Applicability, scope and definitions

(a) This subchapter shall apply to all licensees of any board, committee or sub-unit within the Division of Consumer Affairs.

(b) For the purpose of this subchapter, “licensee” shall mean any licensee, permittee, certificate holder or registrant of:

1. The Division of Consumer Affairs;
2. Any professional or occupational licensing board within the Office of Professional/Occupational Boards and any committee, or other subunit of a board or committee located within the Division;
3. The Office of Consumer Protection; or
4. The Legalized Games of Chance Control Commission.

13:45C–1.2 Licensee's duty to cooperate in investigative inquiries

(a) A licensee shall cooperate in any inquiry, inspection or investigation conducted by, or on behalf of, a board, the Director or the licensee's licensing agency into a licensee's conduct,

fitness or capacity to engage in a licensed profession or occupation where said inquiry is intended to evaluate such conduct, fitness or capacity for compliance with applicable statutory or regulatory provisions.

(b) A licensee's failure to cooperate, absent good cause or *bona fide* claim of a privilege not identified in N.J.A.C. 13:45C–1.5 as unavailable, may be deemed by the board, the Director, or the licensing agency to constitute professional or occupational misconduct within the meaning of N.J.S.A. 45:1–21(e) or the agency's enabling act and thus subject a licensee to disciplinary action pursuant to N.J.S.A. 45:1–21(h) or the agency's enabling act.

13:45C–1.3 Specific conduct deemed failure to cooperate

(a) The following conduct by a licensee may be deemed a failure to cooperate and, therefore, professional or occupational misconduct and grounds for suspension or revocation of licensure:

1. The failure to timely respond to an inquiry to provide information in response to a complaint received concerning licensee conduct;
2. The failure to timely provide records related to licensee conduct;
3. The failure to attend any scheduled proceeding at which the licensee's appearance is directed. In the event that a licensee elects to retain counsel for the purpose of representation in any such proceeding, it shall be the licensee's responsibility to do so in a timely fashion. The failure of a licensee to retain counsel, absent a showing of good cause therefor, shall not cause an adjournment of the proceeding;
4. The failure to timely respond or to provide information requested pursuant to a demand under N.J.S.A. 45:1–18 or other applicable law or to provide access to any premises from which a licensed profession or occupation is conducted. Included within this paragraph shall be the failure to respond to any demand for statement or report under oath, the failure to permit the examination of any goods, ware or item used in the rendition of the professional or occupational service and the failure to grant access to records, books or other documents utilized in the practice of the occupation or profession;
5. The failure to answer any question pertinent to inquiry made pursuant to N.J.S.A. 45:1–18 or other applicable law unless the response to said question is subject to a *bona fide* claim of privilege;
6. The failure to make proper and timely response by way of appearance or production of documents to any subpoena issued pursuant to N.J.S.A. 45:1–18 or as may otherwise be provided by law; or
7. The failure to provide to the Board, the Director or the licensing agency timely notice of any change of address from that which appears on the licensee's most recent license renewal or application.

13:45C–1.4 Failure to comply with Board orders as professional or occupational misconduct

The failure of a licensee to comply with an order duly entered and served upon the licensee or of which the licensee has knowledge shall be deemed professional or occupational misconduct.

13:45C-1.5 Unavailability of privileges in investigative or disciplinary proceedings

(a) In any investigative inquiry conducted pursuant to N.J.S.A. 45:1-18 or in any disciplinary proceeding conducted pursuant to N.J.S.A. 45:1-21, or as may otherwise be authorized by law, the physician-patient privilege, psychologist-patient privilege, marriage and family therapist-client privilege, professional counselor-client privilege, associate counselor-client privilege, social worker-client privilege and the alcohol and drug counselor-client privilege shall be unavailable.

(b) Any statements or records otherwise subject to a claim of the stated privileges which may be obtained by the Board, its agent or the Attorney General pursuant to N.J.S.A. 45:1-18 shall remain confidential and shall not be disclosed unless so ordered by a court of competent jurisdiction, the appropriate licensing board or the Office of Administrative Law in a contested case.

13:45C-1.6 Maintenance of and access to statements, records or other information that is subject to a privilege declared unavailable

(a) Any statements, records or other information which may be subject to any privilege declared unavailable in this subchapter shall be maintained in a secure place and manner by:

1. The evidence custodian within the Division of Consumer Affairs, Enforcement Bureau;
2. The professional or occupational licensing board and the committee or other subunit of a board or committee located within the Division which has a direct connection with, or a need for access to, the matter to which the statements, records or other information pertain; or
3. A Deputy Attorney General.

(b) Except as may be otherwise ordered as provided in the subchapter, access to statements, records or other information shall be afforded only to employees of the Attorney General, the Enforcement Bureau, or the Board or other subunit of the Division having a direct connection with, or a need for access to, the matter to which the statement, records or other information pertain.

(c) The statements, records or other information shall be retained only for the period of time during which an investigation remains open or until the completion of all administrative or judicial proceedings relating thereto, at which time they shall be returned to the licensee or other person from whom they were obtained. In the absence of such licensee or other person, the statements, records or other information shall be returned to the patient, where appropriate.

